

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

CARL E. WOODWARD, LLC AND
THE GRAY INSURANCE
COMPANY

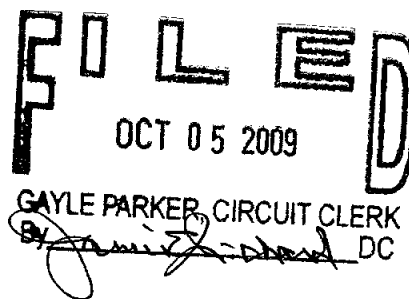
PLAINTIFF

vs.

Civil Action No. A2401-09-243

THE TRAVELERS INDEMNITY
COMPANY OF CONNECTICUT,
THE TRAVELERS INDEMNITY
COMPANY OF ILLINOIS,
TRAVELERS PROPERTY
CASUALTY COMPANY OF
AMERICA, THE TRAVELERS
INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY
INSURANCE COMPANY, DIXIE
SPECIALTY INSURANCE
COMPANY, UNITED FIRE &
CASUALTY COMPANY, AND
ACCEPTANCE INDEMNITY
INSURANCE COMPANY

DEFENDANTS



COMPLAINT

Carl E. Woodward, LLC ("Woodward") and The Gray Insurance Company ("Gray") file this complaint against The Travelers Indemnity Company of Connecticut, The Travelers Indemnity Company of Illinois, Travelers Property Casualty Company of America, and The Travelers Indemnity Company of America¹, Zurich Insurance Company ("Zurich"), First Mercury Insurance Company ("First Mercury"), Dixie Specialty Insurance Company ("Dixie"), United Fire & Casualty Company ("United") and Acceptance Indemnity Insurance Company ("Acceptance").

¹ The four entities with "Travelers" as part of their names are sometimes collectively referred to in this complaint as "Travelers."



Parties²

1. Plaintiff Woodward is a Louisiana limited liability company. Its principal place of business is located at 1019 South Dupre Street, New Orleans, Louisiana 70185.

2. Plaintiff Gray is a Louisiana corporation. Its principal place of business is located at 3601 North I-10 Service Road, Metairie, Louisiana 70002-7045.

3. The Travelers defendants are Connecticut corporations. Their principal place of business is located at One Tower Square, Hartford, Connecticut 06193.

4. Defendant Zurich is a New York corporation. Its principal place of business is located at One Liberty Plaza, 165 Broadway, 32nd Floor, New York, New York 10003.

5. Defendant First Mercury is a Delaware corporation. Its principal place of business is located at 29110 Inkster Road, Suite 100, Southfield, Michigan 48034.

6. Defendant Dixie is a Mississippi Corporation. Its principal place of business is located at 400 Liberty Park Drive, Flowood, Mississippi 39298.

7. Defendant United is an Iowa corporation. Its principal place of business is located at 118 Second Avenue S.E., Cedar Rapids, Iowa 52407

8. Defendant Acceptance Indemnity Insurance Company is Nebraska corporation. Its principal place of business is located at 302 South 36th Street, Suite 500, Omaha, Nebraska 68131.

Jurisdiction and Venue

9. This Court has jurisdiction over this action, pursuant to Miss. Code Ann. § 9-7-81, because this action is not exclusively cognizable in any other court.

10. Venue is properly laid in the First Judicial District of Harrison County because substantial alleged acts, omissions or events occurred in the First Judicial District of Harrison County that are relevant to this dispute and to the underlying litigation.

² The defendants are sometimes collectively referred to in this complaint as the "Insurers."

Facts

11. In 2005, Woodward executed a contract with Pass Marianne, LLC (“Pass Marianne”) under which Woodward agreed to construct Pass Marianne Condominiums (the “Condominiums”) in Pass Christian, Mississippi. Woodward entered subcontracts (the “Subcontracts”) with several companies (the “Subcontractors”) that required the companies to each perform a portion of the construction.

12. In compliance with the terms of the Subcontracts, each Subcontractor obtained a general commercial liability insurance policy (the “Policies”) that named both the Subcontractor and Woodward as insureds. The Policies are primary and non-contributory with regard to the general commercial liability insurance that Gray provides to Woodward.

13. The name of each Subcontractor and the Insurer that provided the general commercial liability insurance for that Subcontractor are listed below:

Subcontractor	Insurer	Policy No.³
T.S. Walls & Sons, Inc.	Travelers	I-680-9797B978-TIL-08 I-680-9797B978-TCT-07 I-680-9797B978-TIA-06
Caron Plastering Company	Zurich	SCP037394823
Jim Wallis & Son Roofing, Inc.	First Mercury	FML001724
DCM Construction LLC	Dixie Specialty	CL00009404
	Acceptance	CL00021334
Moses Electric, Inc.	United	60084009

³ The Policies are not attached to this complaint because they are voluminous and because the defendant Insurers already possess the Policies.

14. On December 22, 2008, Pass Marianne asserted a cross claim ("State Court Claim") against Woodward in Harrison County Circuit Court, Cause No. A2401-008-475, alleging deficiencies in Woodward's construction of the Condominiums.

15. Woodward moved to stay Pass Marianne's cross-claim and compel resolution of the dispute in arbitration pending before the Arbitration Tribunals of the American Arbitration Association, Case No. 69 110 Y 00024 08. By Order dated August 19, 2009, the Court granted Woodward's motion. Pass Marianne provided Woodward a report (the "Report") that contained an itemization of its claims for alleged damages. Some of those claims relate to construction performed by the Subcontractors.

16. On April 23, 2009, Pass Marianne filed an Answering Statement and Counter Claim ("Arbitration Claim") against Woodward in the pending arbitration, seeking \$22 million in damages. Pass Marianne informed Woodward that its counterclaim also relates to the claims listed in the Report.

17. The Policies' terms require the Insurers to provide Woodward defense and indemnity with regard to the State Court Claim and the Arbitration Claim. Therefore, Woodward demanded that the Insurers provide it with defense and indemnity with regard to those claims. The Insurers did not agree to provide Woodward with defense and indemnity.

18. Woodward and Gray have incurred expenses defending Woodward against the claims.

Claims for Relief

Breach of Contract

19. Woodward reasserts the statements contained in ¶¶ 1-17 of this complaint.

20. The Policies are valid contracts.

21. The plaintiffs are intended beneficiaries of the Policies.

22. The Insurers breached the Policies because they have not agreed to defend and indemnify Woodward with regard to Pass Marianne's claims against Woodward.

23. The Insurers' failure to agree to defend and indemnify Woodward is an act of bad faith.

24. The plaintiffs are entitled to recover all amounts expended to defend against and, if required, satisfy the claims Pass Marianne has asserted against Woodward. The plaintiffs are also entitled to punitive damages.

Subrogation

25. The plaintiffs reassert the statements contained in ¶¶ 1-23 of this complaint.

26. The Insurers are obligated under the terms of the Policies to defend Woodward against and, if required, satisfy the claims asserted by Pass Marianne.

27. The Insurers' failure to satisfy their defense and indemnity obligation has required Gray to incur costs to provide Woodward's defense.

28. Gray is, therefore, entitled to recover those costs from the Insurers. If Gray is required to expend any amounts to satisfy Pass Marianne's claims, then Gray is also entitled to recover those amounts from the Insurers as well.

Declaration of Coverage

29. The plaintiffs reassert statements contained in ¶¶ 1-27 of this complaint.

30. The Policies impose a duty on the Insurers to defend and indemnify Gray with regard to the claims Pass Marianne has asserted against Woodward. Therefore, Woodward and Gray require a declaration of that duty.

Demand

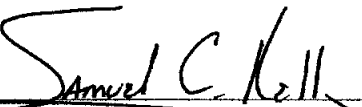
ACCORDINGLY, the plaintiffs demand judgment against the defendants for (1) compensatory and punitive damages in an amount that the plaintiffs will prove at trial, (2) pre and post-judgment interest and (3) attorneys' fees incurred in this case. The plaintiffs also demand a declaration that the Policies impose a duty on the Insurers' to defend and indemnify Woodward with regard to the claims that Pass Marianne has asserted against Woodward. The plaintiffs demand such other and further relief as the Court deems appropriate.

Dated: October 1, 2009.

Respectfully submitted,

CARL E. WOODWARD, LLC AND THE GRAY
INSURANCE COMPANY

By:



One of Their Attorneys

OF COUNSEL:

Samuel C. Kelly, Miss. Bar No. 7496

skelly@brunini.com

Brian C. Kimball, Miss. Bar No. 100787

bkimball@brunini.com

BRUNINI, GRANTHAM, GROWER & HEWES, PLLC

Post Office Drawer 119

Jackson, Mississippi 39205

190 East Capitol Street, Suite 100

Jackson, Mississippi 39201

Telephone: (601) 948-3101

Facsimile: (601) 960-6902

COVER SHEET Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		Court Identification Docket #		Case Year	Docket Number
		24	1	CF	2009
		County #	Judicial District	Court ID (CH, CI, CO)	Local Docket ID
		1	D	S	D
		Month	Date	Year	
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2009)		Case Number if filed prior to 1/1/94	
In the <u>CIRCUIT</u>		Court of <u>HARRISON</u>		County — <u>FIRST</u>	Judicial District
Origin of Suit (Place an "X" in one box only) <input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal					
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form					
Individual					
Last Name		First Name		Maiden Name, if applicable	M.I. Jr/Sr/III/IV
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____					
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____					
Business <u>Carl E. Woodward, LLC</u>					
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated					
<input type="checkbox"/> Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A _____					
Address of Plaintiff <u>3601 North I-10 Service Road, Metairie, LA 70002-7045</u>					
Attorney (Name & Address) <u>Brian C. Kimball</u>				MS Bar No. <u>100787</u>	
<input type="checkbox"/> Check (x) if Individual Filing Initial Pleading is NOT an attorney Signature of Individual Filing: <u>Brian C. Kimball</u>					
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form					
Individual					
Last Name		First Name		Maiden Name, if applicable	M.I. Jr/Sr/III/IV
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____					
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____					
Business <u>Travelers Indemnity Company of Connecticut</u>					
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated					
<input type="checkbox"/> Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A _____					
Attorney (Name & Address) - If Known				MS Bar No.	
Damages Sought: Compensatory \$ _____ Punitive \$ _____ <input type="checkbox"/> Check (x) if child support is contemplated as an issue in this suit.*					
*If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
Nature of Suit (Place an "X" in one box only)					
Domestic Relations		Business/Commercial		Children/Minors - Non-Domestic	
<input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____		<input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____		<input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other _____	
Appeals		Probate		Civil Rights	
<input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other _____		<input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other _____		<input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other _____	
				Contract	
				<input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input checked="" type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____	
				Statutes/Rules	
				<input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other _____	
				Real Property	
				<input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____	
				Torts	
				<input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other _____	

FILED
OCT 05 2009
GAYLE PARKER, CIRCUIT CLERK
By _____ DC

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

FIRST

JUDICIAL DISTRICT, CITY OF

Shelby

Docket No.

2009
File Yr343
Chronological No.241
Clerk's Local IDDocket No. If Filed
Prior to 1/1/94PLAINTIFFS IN REFERENCED CAUSE - Page ___ of ___ Plaintiffs Pages
IN ADDITION TO PLAINTIFF SHOWN ON CIVIL CASE FILING FORM COVER SHEETPlaintiff # 2 :

Individual:

Last Name

First Name

(Maiden Name, if Applicable)

Middle Init.

Jr/Sr/III/IV

___ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

___ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business The Gray Insurance Company

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

Plaintiff # ___ :

Individual:

Last Name

First Name

(Maiden Name, if Applicable)

Middle Init.

Jr/Sr/III/IV

___ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

___ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

Plaintiff # ___ :

Individual:

Last Name

First Name

(Maiden Name, if Applicable)

Middle Init.

Jr/Sr/III/IV

___ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

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D/B/A _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT, CITY OF Shelby

Docket No. 2009 - 343 241
 File Yr Chronological No. Clerk's Local ID

Docket No. If Filed
 Prior to 1/1/94

**DEFENDANTS IN REFERENCED CAUSE - Page 1 of ___ Defendants Pages
 IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

Defendant #2:

Individual: _____
 Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

___ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

___ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business The Travelers Indemnity Company of Illinois

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

Defendant #3:

Individual: _____
 Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

___ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

___ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business Travelers Property Casualty Company of America

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

Defendant #4:

Individual: _____
 Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

___ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

___ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business The Travelers Indemnity Company of America

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPIFIRST JUDICIAL DISTRICT, CITY OF ShelbyDocket No. 2009 - 343 241
File Yr Chronological No. Clerk's Local IDDocket No. If Filed
Prior to 1/1/94 _____DEFENDANTS IN REFERENCED CAUSE - Page ____ of ____ Defendants Pages
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Defendant # ____ :

Individual: _____
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business Zurich Insurance Company

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ____ Not an Attorney(✓) ____

Defendant # ____ :

Individual: _____
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Estate of _____

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D/B/A _____

Business First Mercury Insurance Company

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ____ Not an Attorney(✓) ____

Defendant # ____ :

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Estate of _____

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D/B/A _____

Business Dixie Specialty Insurance Company

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

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D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ____ Not an Attorney(✓) ____

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT, CITY OF Huggins

Docket No. 2009 - 343 241
 File Yr Chronological No. Clerk's Local ID

Docket No. If Filed
 Prior to 1/1/94

**DEFENDANTS IN REFERENCED CAUSE - Page ___ of ___ Defendants Pages
 IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

Defendant # ___ :

Individual: _____
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Estate of _____

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D/B/A _____

Business United Fire & Casualty Company

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

Defendant # ___ :

Individual: _____
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Estate of _____

___ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business Acceptance Indemnity Insurance Company

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

Defendant # ___ :

Individual: _____
Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

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Estate of _____

___ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___



BRIAN C. KIMBALL

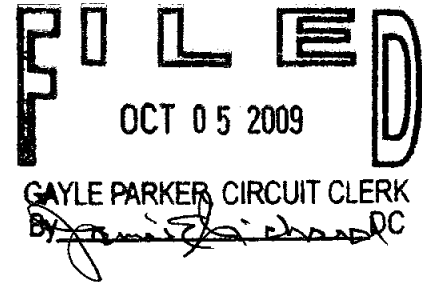
E-mail: bkimball@brunini.com
Direct: 601.973.8730

The Pinnacle Building, Suite 100
190 East Capitol Street
Jackson, Mississippi 39201
Telephone: 601.948.3101

Post Office Drawer 119
Jackson, Mississippi 39205
Facsimile: 601.960.6902

September 14, 2009

Ms. Gayle Parker, Clerk
Harrison County Circuit Court - 1st Judicial District
P.O. Box 998
Gulfport, MS 39502



Re: *Carl E. Woodward, LLC and Gray Insurance Company v. Travelers Indemnity Company of Connecticut*

Dear Ms. Parker:

Please find enclosed for filing with your office, the following:

- (1) The original and two copies of the complaint;
- (2) The original and two copies of the civil cover sheet;
- (3) The original and two copies of summonses to be issued on Travelers Indemnity Company of Connecticut, Zurich Insurance Company, First Mercury Insurance Company, Dixie Specialty Insurance Company and United Fire & Casualty Company;

Also enclosed is a firm check in the amount of \$126.00 for the filing fee. We would appreciate your returning the extra copies of the complaint along with the issued summonses to us in the enclosed stamped envelope. Thank you for your assistance.

Sincerely,

Brunini, Grantham, Grower & Hewes, PLLC

A handwritten signature in cursive script that reads "Brian C. Kimball".

Brian C. Kimball

BCK/ttb

Circuit Court District 1**Gayle Parker, Circuit Clerk****1801 23rd Avenue
P.O. Box 998
Gulfport, MS 39501
(228) 865-4183****DUPLICATE**

Received From: Kimball, Brian Craig
BRUNINI, GRANTHAM, GROWER & HE
P. O. DRAWER 119
JACKSON, MS 39205-0119

Date: 10/5/2009
Receipt #: **45644**

Clerk: JR1

Paying for: Carl E. Woodward, Llc,

Transaction Type: Civil Payment

Reference #: 185272

Payment Type: Check \$126.00

Original Case #:

Total Paid \$126.00

Comment:

Case #	Caption	Previous Balance	Amount Paid	Balance Due
A24010900343	Carl E. Woodward, Llc vs Travelers Indemnity Company Of Connecticut, Et Al	\$126.00	\$126.00	\$0.00

BRUNINI, GRANTHAM, GROWER & HEWES, PLLC

185272

Circuit Clerk, Harrison County

9/11/2009

\$126.00

Inv. Date	Inv. No.	Invoice Description
09-11-2009	BCK	Filing Fee

Amount
126.00

Chk# 185272

Total Paid:

\$126.00

COPY

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

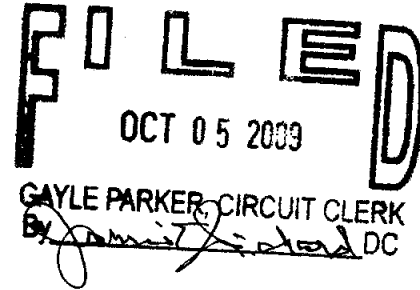
PLAINTIFF

vs.

Civil Action No. A24D1-D9-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT



SUMMONS

THE STATE OF MISSISSIPPI

**TO: Travelers Indemnity Company of Connecticut
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

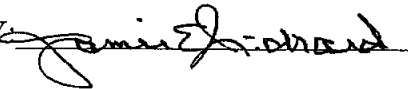
You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Handwritten scribbles at the bottom left of the page.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY:  D.C.

PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

____ FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

____ PERSONAL SERVICE. I personally delivered copies to _____ on the _____ day of _____, 2009, where I found said person(s) in _____ County of the State of Mississippi.

____ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

____ CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ _____

Process server must list below: [*Please print or type*]

Name _____

Social Security No. _____

Address _____

Telephone No. _____

State of _____)

County of _____)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server

Sworn to and subscribed before me this the _____ day of _____, 2009.

Notary Public

My Commission Expires:

00722264

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

COPY

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

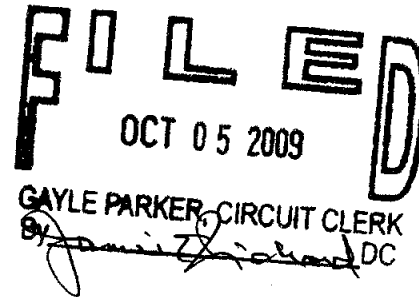
vs.

Civil Action No. 42901-DA-313

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS



THE STATE OF MISSISSIPPI

TO: Travelers Indemnity Company of Illinois
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201

NOTICE TO DEFENDANT

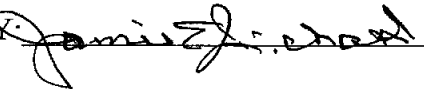
**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 6th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY  D.C.

PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

____ FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

____ PERSONAL SERVICE. I personally delivered copies to _____ on the _____ day of _____, 2009, where I found said person(s) in _____ County of the State of Mississippi.

____ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

____ CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ _____

Process server must list below: [*Please print or type*]

Name _____

Social Security No. _____

Address _____

Telephone No. _____

State of _____)

County of _____)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server

Sworn to and subscribed before me this the _____ day of _____, 2009.

Notary Public

My Commission Expires:

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

COPY

CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY

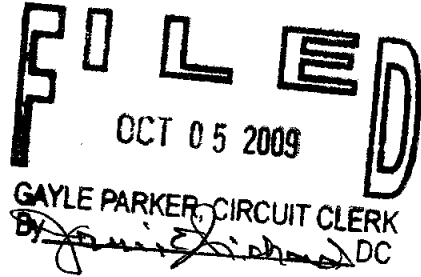
PLAINTIFF

vs.

Civil Action No. A2401-DA-343

TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY

DEFENDANT



SUMMONS

THE STATE OF MISSISSIPPI

TO: Travelers Property Casualty Company of America
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Travelers Insurance

Issued under my hand and the seal of said Court, this the 8th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: *James E. Richard* D.C.

PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

____ FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

____ PERSONAL SERVICE. I personally delivered copies to _____ on the _____ day of _____, 2009, where I found said person(s) in _____ County of the State of Mississippi.

____ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

____ CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ _____

Process server must list below: [*Please print or type*]

Name _____

Social Security No. _____

Address _____

Telephone No. _____

State of _____)

County of _____)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server

Sworn to and subscribed before me this the _____ day of _____, 2009.

Notary Public

My Commission Expires:

00722264

COPY

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

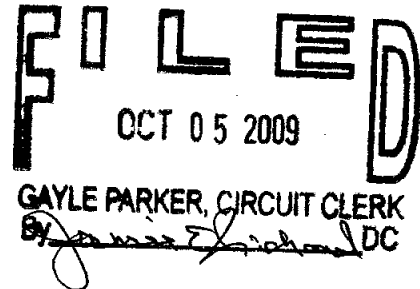
PLAINTIFF

vs.

Civil Action No. A2401-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT



SUMMONS

THE STATE OF MISSISSIPPI

**TO: Travelers Indemnity Company of America
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

*Two * 1 1. 1111*

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: James E. Richard D.C.

PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

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____ PERSONAL SERVICE. I personally delivered copies to _____ on the _____ day of _____, 2009, where I found said person(s) in _____ County of the State of Mississippi.

____ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

____ CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ _____

Process server must list below: [*Please print or type*]

Name _____

Social Security No. _____

Address _____

Telephone No. _____

State of _____)

County of _____)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server

Sworn to and subscribed before me this the _____ day of _____, 2009.

Notary Public

My Commission Expires:

00722264

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

COPY

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

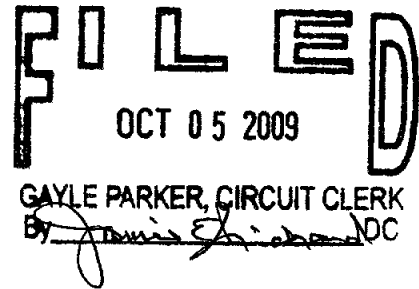
PLAINTIFF

vs.

Civil Action No. A2901-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT



SUMMONS

THE STATE OF MISSISSIPPI

TO: Zurich Insurance Company
By and through its registered agent, Charles A. Brewer
506 S. President Street
Jackson, MS 39201

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY Jamie L. Howard D.C.

PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

____ FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

____ PERSONAL SERVICE. I personally delivered copies to _____ on the _____ day of _____, 2009, where I found said person(s) in _____ County of the State of Mississippi.

____ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

____ CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ _____

Process server must list below: [*Please print or type*]

Name _____

Social Security No. _____

Address _____

Telephone No. _____

State of _____)

County of _____)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server

Sworn to and subscribed before me this the _____ day of _____, 2009.

Notary Public

My Commission Expires:

00722264

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

COPY

CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY

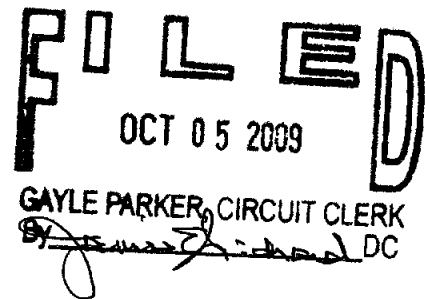
PLAINTIFF

vs.

Civil Action No. A34D1-D9-343

TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY

DEFENDANT



SUMMONS

THE STATE OF MISSISSIPPI

TO: First Mercury Insurance Company
29110 Inkster Road, Suite 100
Southfield, Michigan 48034

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

See p. 2 of 145

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: James E. Howard D.C.

PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

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____ PERSONAL SERVICE. I personally delivered copies to _____ on the _____ day of _____, 2009, where I found said person(s) in _____ County of the State of Mississippi.

____ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

____ CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ _____

Process server must list below: [*Please print or type*]

Name _____

Social Security No. _____

Address _____

Telephone No. _____

State of _____)

County of _____)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server

Sworn to and subscribed before me this the _____ day of _____, 2009.

Notary Public

My Commission Expires:

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

COPY

CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY

PLAINTIFF

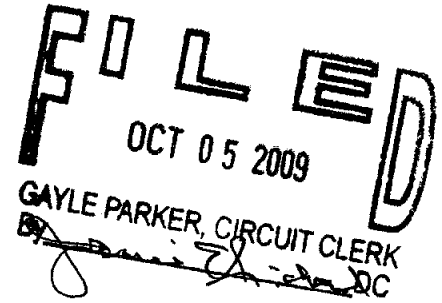
vs.

Civil Action No. A2401-D-343

TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY

DEFENDANT

SUMMONS



THE STATE OF MISSISSIPPI

TO: Dixie Specialty Insurance Company
By and through its registered agent, David Phillips
400 Liberty Park Drive
Flowood, MS 39298-8269

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

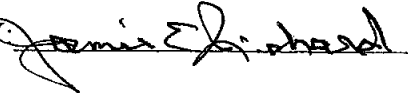
You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Rec. 12-5-09 AM

Issued under my hand and the seal of said Court, this the 8th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY  D.C.

PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

____ FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

____ PERSONAL SERVICE. I personally delivered copies to _____ on the _____ day of _____, 2009, where I found said person(s) in _____ County of the State of Mississippi.

____ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

____ CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ _____

Process server must list below: [*Please print or type*]

Name _____

Social Security No. _____

Address _____

Telephone No. _____

State of _____)

County of _____)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server

Sworn to and subscribed before me this the _____ day of _____, 2009.

Notary Public

My Commission Expires:

00722264

COPY

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY

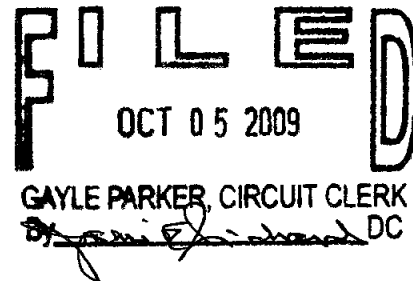
PLAINTIFF

vs.

Civil Action No. A24D-DA-343

TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY

DEFENDANT



SUMMONS

THE STATE OF MISSISSIPPI

TO: United Fire & Casualty Company
By and through its registered agent, Troy Ellis
133 Kenzie Drive
Madison, MS 39110

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

TSC & L + In Attor

Issued under my hand and the seal of said Court, this the 8th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: James E. Richard D.C.

PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

____ FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

____ PERSONAL SERVICE. I personally delivered copies to _____ on the _____ day of _____, 2009, where I found said person(s) in _____ County of the State of Mississippi.

____ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

____ CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ _____

Process server must list below: [*Please print or type*]

Name _____

Social Security No. _____

Address _____

Telephone No. _____

State of _____)

County of _____)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server

Sworn to and subscribed before me this the _____ day of _____, 2009.

Notary Public

My Commission Expires:

00722264

COPY

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY

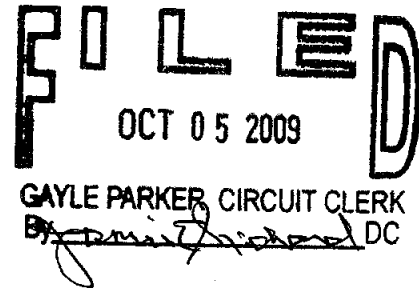
PLAINTIFF

vs.

Civil Action No. A24D1-DA-343

TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY

DEFENDANT



SUMMONS

THE STATE OF MISSISSIPPI

TO: Acceptance Indemnity Insurance Company
302 South 36th Street, Suite 500
Omaha, Nebraska 68131

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

See also the other Summons...

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: James E. Richard D.C.

PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

____ FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

____ PERSONAL SERVICE. I personally delivered copies to _____ on the _____ day of _____, 2009, where I found said person(s) in _____ County of the State of Mississippi.

____ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

____ CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ _____

Process server must list below: [*Please print or type*]

Name _____

Social Security No. _____

Address _____

Telephone No. _____

State of _____)

County of _____)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server

Sworn to and subscribed before me this the _____ day of _____, 2009.

Notary Public

My Commission Expires:

00722264

A2401-09-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

 PERSONAL SERVICE. I personally delivered copies to Deany Verry - Charles A. Brewer on the 9th day of October, 2009, where I found said person(s) in Hinds County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [Please print or type]

Name Markel Rhodes
Social Security No.
Address 190 E. Capitol Street
Jackson MS 39201
Telephone No.

State of MS)
County of Hinds)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Markel Rhodes, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Markel Rhodes
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

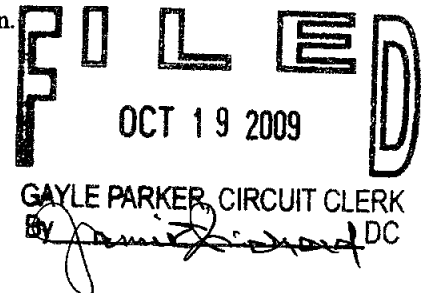
My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. A24D1-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Travelers Indemnity Company of America
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: Jamie L. Richard D.C.

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. A24D1-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Travelers Property Casualty Company of America
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: Jamie E. Richard D.C.

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. 09-01-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Travelers Indemnity Company of Connecticut
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 6th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: Janice L. Chad D.C.

A2401-D9-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

 PERSONAL SERVICE. I personally delivered copies to Danny Perry - Charles A. Brewer on the 9th day of October, 2009, where I found said person(s) in Hinds County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [*Please print or type*]

Name Markell Rhodes
Social Security No.
Address 190 E. Capitol Street
Jackson, MS 39201
Telephone No. 601-981-3101

State of MS)
County of Hinds)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Markell Rhodes, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Markell Rhodes
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

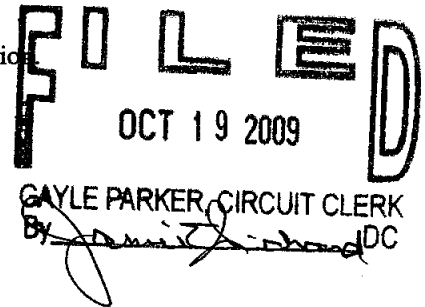
My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public



A24M-DA-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

 PERSONAL SERVICE. I personally delivered copies to Danny Perry - Charles A. Brewer on the 9th day of October, 2009, where I found said person(s) in Hinds County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [*Please print or type*]

Name Markell Rhodes
Social Security No.
Address 140 E. Capitol Stn
Jackson, MS 39202
Telephone No. 601-981-3101

State of MS)
County of Hinds)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Markell Rhodes, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Markell Rhodes
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

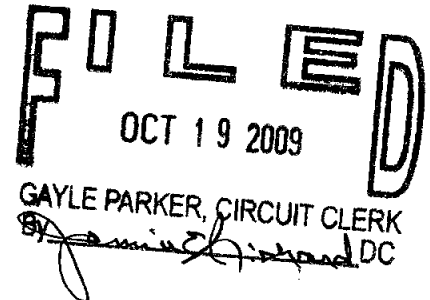
My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public



A2401-09-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

 PERSONAL SERVICE. I personally delivered copies to Danny Perry - Charles A. Brown on the 9th day of October, 2009, where I found said person(s) in Hinds County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [*Please print or type*]

Name Markell Rhodes

Social Security No.

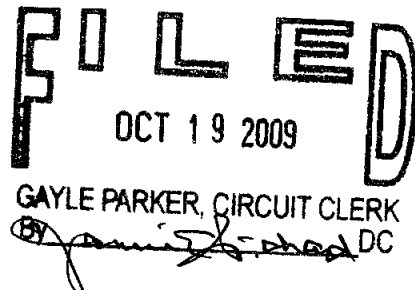
Address 1400 E. Capitol St.

Jackson, MS 39202

Telephone No. 601 - 981-3601

State of MS

County of Hinds



Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Markell Rhodes who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Markell Rhodes
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

My Commission Expires:

February 11, 2011

00722264



Tammie Thompson Barnett
Notary Public

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. A2401-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Travelers Indemnity Company of Illinois
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: James E. L. L. L. D.C.

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. AD4D-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: United Fire & Casualty Company
By and through its registered agent, Troy Ellis
133 Kenzie Drive
Madison, MS 39110**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 6th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: James L. Richard D.C.

A2901-09-343
PROOF OF SERVICE - SUMMONS

FILED
OCT 19 2009
GAYLE PARKER, CIRCUIT CLERK
By Daniel D. Barnett DC

I, the undersigned process server, served the summons and complaint upon the person or entity above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

 PERSONAL SERVICE. I personally delivered copies to TROY ELLIS on the 12th day of OCT., 2009, where I found said person(s) in MADISON County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [Please print or type]

Name DEXTER DURR

Social Security No.

Address 190 E. CAPITOL STREET

Telephone No.

State of MISSISSIPPI

County of HINDS

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Dexter Durr, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

W. A. D.
Process Server

Sworn to and subscribed before me this the 13th day of October, 2009.

My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public

A2401-09-343
PROOF OF SERVICE - SUMMONS

FILED
OCT 19 2009
GAYLE PARKER, CIRCUIT CLERK
By James E. Barnett DC

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

I PERSONAL SERVICE. I personally delivered copies to Christie Beard on the 12th day of Oct, 2009, where I found said person(s) in Rankin County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [*Please print or type*]

Name Marcus Washington
Social Security No.
Address 190 East Capitol St
JACKSON MS 39201
Telephone No. 601-948-3101

State of Mississippi)
County of Hinds)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Marcus Washington who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Mark
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

My Commission Expires:

February 11, 2011

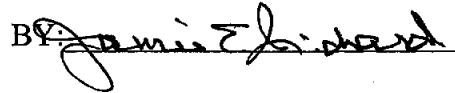
00722264



James Thompson Barnett
Notary Public

Issued under my hand and the seal of said Court, this the 3rd day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY  D.C.

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. A24D-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Dixie Specialty Insurance Company
By and through its registered agent, David Phillips
400 Liberty Park Drive
Flowood, MS 39298-8269**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.



TAMMY BARNETT

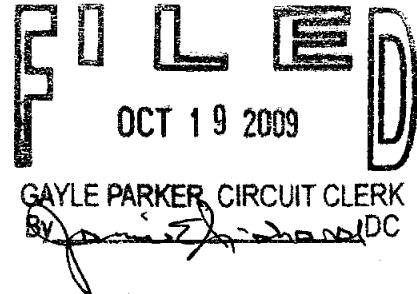
E-mail: tbarnett@brunini.com
Direct: 601.973.8707

The Pinnacle Building, Suite 100
190 East Capitol Street
Jackson, Mississippi 39201
Telephone: 601.948.3101

Post Office Drawer 119
Jackson, Mississippi 39205
Facsimile: 601.960.6902

October 14, 2009

Ms. Gayle Parker, Clerk
Harrison County Circuit Court - 1st Judicial District
P.O. Box 998
Gulfport, MS 39502



Re: *Carl E. Woodward, LLC and Gray Insurance Company v. Travelers Indemnity Company of Connecticut*, Civil Action No. A2401-89-343

Dear Ms. Parker:

Please find enclosed for filing in the above referenced matter, the original proofs of service for summonses and complaints served on Dixie Specialty Insurance Company, United Fire & Casualty Company, Travelers Indemnity Company of Connecticut, Travelers Indemnity Company of Illinois, Travelers Property Casualty Company of America, Travelers Indemnity Company of America, and Zurich Insurance Company.

Sincerely,

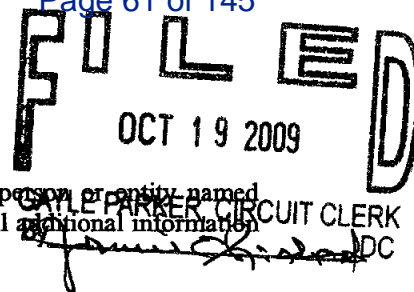
Brunini, Grantham, Grower & Hewes, PLLC

A handwritten signature in cursive script that reads "Tammy Barnett".

Tammy Barnett
Legal Assistant

TB/lm

A2401-09-343
PROOF OF SERVICE - SUMMONS



I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

☒ PERSONAL SERVICE. I personally delivered copies to Danny Verry - Charles A. Brewer on the 9th day of October, 2009, where I found said person(s) in Hinds County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [*Please print or type*]

Name Marshall Rhodes
Social Security No.
Address 190 E. Capitol Street
Jackson MS 39201
Telephone No. 601-381-2101

State of MS)
County of Hinds)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Marshall Rhodes, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Marshall Rhodes
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. A2401-09-313

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Zurich Insurance Company
By and through its registered agent, Charles A. Brewer
506 S. President Street
Jackson, MS 39201**

NOTICE TO DEFENDANT

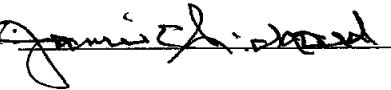
**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

By  D.C.



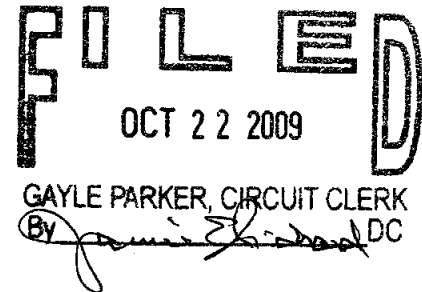
TAMMY BARNETT

E-mail: tbarnett@brunini.com
Direct: 601.973.8707

The Pinnacle Building, Suite 100 Post Office Drawer 119
190 East Capitol Street Jackson, Mississippi 39205
Jackson, Mississippi 39201
Telephone: 601.948.3101 Facsimile: 601.960.6902

October 20, 2009

Ms. Gayle Parker, Clerk
Harrison County Circuit Court - 1st Judicial District
P.O. Box 998
Gulfport, MS 39502



Re: *Carl E. Woodward, LLC and Gray Insurance Company v. Travelers Indemnity Company of Connecticut*, Civil Action No. A2401-89-343

Dear Ms. Parker:

Please find enclosed for filing in the above referenced matter, the original proof of service for the summons and complaint served on First Mercury Insurance Company.

Sincerely,

Brunini, Grantham, Grower & Hewes, PLLC

A handwritten signature in cursive script that reads "Tammy Barnett".
Tammy Barnett
Legal Assistant

TB/im

A2401-89-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

1 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

X PERSONAL SERVICE. I personally delivered copies to Mercury Insurance Co. on the 15 day of October, 2009, where I found said person(s) in Oakland County of the State of Mississippi. Michigan Marchin v. P. not corrected address of
29621 Northwestern Hwy Southfield MI 48034

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ 75.00

Process server must list below: [Please print or type]

Name Ruel E. McPherson
Social Security No. 381-323832
Address 23439 DAVEY
Hazel PARK MI 48030
Telephone No. 248-5457061

State of)
County of)

FILED
OCT 22 2009
GAYLE PARKER, CIRCUIT CLERK
[Signature] DC

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Ruel E. McPherson who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

FRANCIS GALLAND
Receptionist

[Signature]
Process Server

Ruel E. McPherson
Court Officer

Sworn to and subscribed before me this the day of , 2009.

My Commission Expires:

Notary Public

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. A241-D9-813

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

FILED
OCT 22 2009
GAYLE PARKER, CIRCUIT CLERK
By _____ DC

SUMMONS

THE STATE OF MISSISSIPPI

**TO: First Mercury Insurance Company
29110 Inkster Road, Suite 100
Southfield, Michigan 48034**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU
MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: Jamie Richard D.C.

AJ401-09-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

☒ **PERSONAL SERVICE.** I personally delivered copies to Deany Perry - Charles A. Brewer on the 9th day of October, 2009, where I found said person(s) in Hinds County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [Please print or type]

Name Markel Rhodes
 Social Security No.
 Address 190 E Capital Street
Jackson MS 39201
 Telephone No.

State of MS
 County of Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Markel Rhodes, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Markel Rhodes
 Process Server

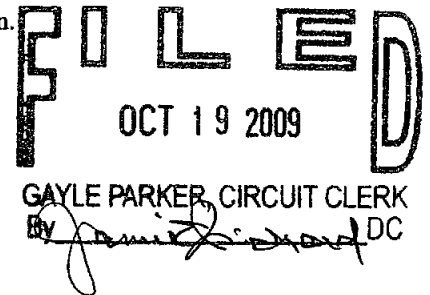
Sworn to and subscribed before me this the 14th day of October, 2009.

My Commission Expires:

February 11, 2011
 00722264



Tammy Thompson Barnett
 Notary Public



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. A09D-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: Travelers Indemnity Company of America
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: Janis L. Richard D.C.

A2401-09-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

 PERSONAL SERVICE. I personally delivered copies to Danny Perry - Charles A. Brewer on the 9th day of October, 2009, where I found said person(s) in Hinds County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [Please print or type]

Name Markell Rhodes
Social Security No.
Address 190 E. Capitol Street
Jackson, MS 39201
Telephone No. 601-981-3101

State of MS)
County of Hinds)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Markell Rhodes, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Markell Rhodes
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

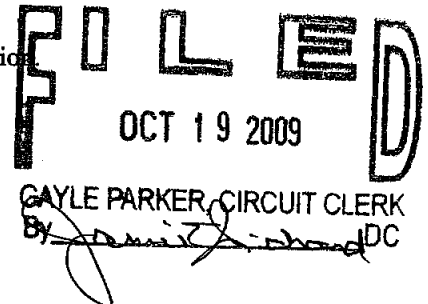
My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY

PLAINTIFF

vs.

Civil Action No. A24D1-DA-343

TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: Travelers Property Casualty Company of America
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: Jamie E. Richard D.C.

A241-DA-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

 PERSONAL SERVICE. I personally delivered copies to Danny Perry - Charles A. Brewer on the 9th day of October, 2009, where I found said person(s) in Hinds County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [Please print or type]

Name Markell Rhoads
Social Security No.
Address 160 E. Capitol St.
Jackson, MS 39202
Telephone No. 601-981-3101

State of MS
County of Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Markell Rhoads, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Markell Rhoads
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

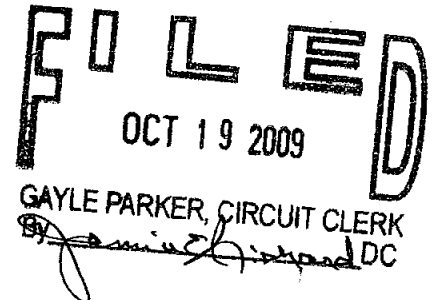
My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. 2011-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Travelers Indemnity Company of Connecticut
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201**

NOTICE TO DEFENDANT


**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY:  D.C.

A2401-09-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

 PERSONAL SERVICE. I personally delivered copies to Danny Perry - Charles A. Brown on the 9th day of October, 2009, where I found said person(s) in Hinds County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [Please print or type]

Name Markus Rhodes
Social Security No.
Address 1400 E. Capitol St.
Jackson, MS 39202
Telephone No. 601 - 981-3401

State of MS
County of Hinds

FILED
OCT 19 2009
GAYLE PARKER, CIRCUIT CLERK
By [Signature] DC

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Markus Rhodes, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

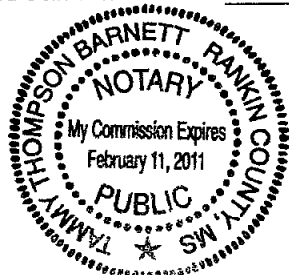
[Signature]
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. A2401-DA-313

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Travelers Indemnity Company of Illinois
By and through its registered agent, Charles A. Brewer
506 South President Street
Jackson, MS 39201**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 6th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: Jamie L. Smith D.C.

A2401-09-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person Entity 9 above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (By first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

 PERSONAL SERVICE. I personally delivered copies to TROY ELLIS on the 12TH day of OCT, 2009, where I found said person(s) in MADISON County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [Please print or type]

Name DEXTER DURR
Social Security No.
Address 196 E. CAPITOL STREET
Telephone No.

State of MISSISSIPPI)
County of HINDS)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Dexter Durr, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Process Server

Sworn to and subscribed before me this the 13th day of October, 2009.

My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public

FILED
OCT 19 2009
GAYLE PARKER, CIRCUIT CLERK
By DC

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. AJ42-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: United Fire & Casualty Company
By and through its registered agent, Troy Ellis
133 Kenzie Drive
Madison, MS 39110**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY: James Richard D.C.



TAMMY BARNETT

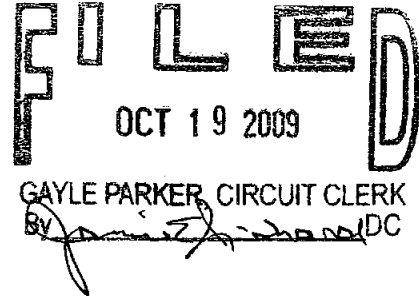
E-mail: tbarnett@brunini.com
Direct: 601.973.8707

The Pinnacle Building, Suite 100
190 East Capitol Street
Jackson, Mississippi 39201
Telephone: 601.948.3101

Post Office Drawer 119
Jackson, Mississippi 39205
Facsimile: 601.960.6902

October 14, 2009

Ms. Gayle Parker, Clerk
Harrison County Circuit Court - 1st Judicial District
P.O. Box 998
Gulfport, MS 39502



Re: *Carl E. Woodward, LLC and Gray Insurance Company v. Travelers Indemnity Company of Connecticut*, Civil Action No. A2401-89-343

Dear Ms. Parker:

Please find enclosed for filing in the above referenced matter, the original proofs of service for summonses and complaints served on Dixie Specialty Insurance Company, United Fire & Casualty Company, Travelers Indemnity Company of Connecticut, Travelers Indemnity Company of Illinois, Travelers Property Casualty Company of America, Travelers Indemnity Company of America, and Zurich Insurance Company.

Sincerely,

Brunini, Grantham, Grower & Hewes, PLLC

A handwritten signature in cursive script that reads "Tammy Barnett".

Tammy Barnett
Legal Assistant

TB/lm

A2401-09-343
PROOF OF SERVICE - SUMMONS

FILED
OCT 19 2009
GAYLE PARKER, CIRCUIT CLERK
By Jamie E. Coleman DC

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

I PERSONAL SERVICE. I personally delivered copies to Christie Beard on the 12th day of Oct, 2009, where I found said person(s) in Rankin County of the State of Mississippi.

RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ _____

Process server must list below: [Please print or type]

Name Marcus Washington
Social Security No. _____
Address 190 East Capitol St
Jackson MS 39201
Telephone No. 601-948-3101

State of Mississippi)
County of Hinds)

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Marcus Washington who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Marcus Washington
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

By: Jamie E. Richard D.C.

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. A24D1-DA-343

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

**TO: Dixie Specialty Insurance Company
By and through its registered agent, David Phillips
400 Liberty Park Drive
Flowood, MS 39298-8269**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

A2401-09-343
PROOF OF SERVICE - SUMMONS

FILED
OCT 19 2009
JAMES PARKER, CIRCUIT CLERK
Hinds County, Mississippi

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

☒ PERSONAL SERVICE. I personally delivered copies to Denny Perry - Charles A. Brewer on the 9th day of October, 2009, where I found said person(s) in Hinds County of the State of Mississippi.

 RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within , Mississippi. I served the summons and complaint on the day of , 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with who is the , a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the day of , 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

 CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$

Process server must list below: [Please print or type]

Name Marshall Rhodes
Social Security No.
Address 140 E. Capitol Street
Jackson, MS 39201
Telephone No. 601-381-2101

State of MS
County of Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Marshall Rhodes, who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Marshall Rhodes
Process Server

Sworn to and subscribed before me this the 14th day of October, 2009.

My Commission Expires:

February 11, 2011

00722264



Tammy Thompson Barnett
Notary Public

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY

PLAINTIFF

vs.

Civil Action No. A2401-09-343

TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: Zurich Insurance Company
By and through its registered agent, Charles A. Brewer
506 S. President Street
Jackson, MS 39201

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY *Jamie L. Howard* D.C.

A2401-89-343
PROOF OF SERVICE - SUMMONS

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

1 FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (*Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B*).

X PERSONAL SERVICE. I personally delivered copies to MERCURY INSURANCE Co. on the 15 day of OCTOBER 2009, where I found said person(s) in OSHAUNA County of the State of MISSISSIPPI. Michigan March 4:42 P.M. delivered to FRANCES GARNLAND, Receptionist
To 29621 Northwestern Hwy, Southfield MI 48034

RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within _____, Mississippi. I served the summons and complaint on the _____ day of _____, 2009, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____ who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2009, I mailed (by first class mail, postage paid) copies to the person served at his usual place of abode where the copies were left.

CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service \$ 75⁰⁰

Process server must list below: [Please print or type]

Name Ruel E. McPherson
Social Security No. 381-323832
Address 23439 DAVEN
Hazel PARK MI 48030
Telephone No. 248-5457061

State of _____)
County of _____)

FILED
OCT 22 2009
GAYLE PARKER, CIRCUIT CLERK
By [Signature] DC

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Ruel E. McPherson who being first duly sworn state on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

FRANCES GARNLAND
Receptionist

[Signature]
Process Server
Ruel E. McPherson
Court Officer

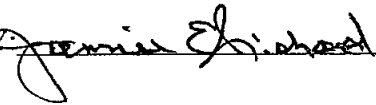
Sworn to and subscribed before me this the _____ day of _____, 2009.

My Commission Expires:

Notary Public

Issued under my hand and the seal of said Court, this the 5th day of October, 2009.

Gayle Parker, Circuit Clerk
Harrison County, Mississippi

BY:  D.C.

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

**CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY**

PLAINTIFF

vs.

Civil Action No. ASHD-09-813

**TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY INSURANCE
COMPANY, DIXIE SPECIALTY INSURANCE
COMPANY AND UNITED FIRE &
CASUALTY COMPANY AND ACCEPTANCE
INDEMNITY INSURANCE COMPANY**

DEFENDANT

FILED
OCT 22 2009
GAYLE PARKER, CIRCUIT CLERK
By _____ DC

SUMMONS

THE STATE OF MISSISSIPPI

**TO: First Mercury Insurance Company
29110 Inkster Road, Suite 100
Southfield, Michigan 48034**

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU
MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Samuel C. Kelly and Brian C. Kimball, attorneys for the Plaintiffs, whose address is 190 East Capitol, Post Office Drawer 119, Jackson, Mississippi 39205. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

1801 23rd Avenue, P.O. Box 998, Gulfport, 39501 MS. Phone: (601) 65-4183 EXT

CASE HISTORY FOR CASE A24010900343

Carl E. Woodward, Llc vs Travelers Indemnity Company Of Connecticut, Et Al

FILED DATE: 10/5/2009

CASE TYPE: 4/INSURANCE

STATUS: Active

JUDGE: Clark, Roger T

CASE PARTIES:

Plaintiff Carl E. Woodward, Llc

Plaintiff Attorney Kimball, Brian Craig

Defendant Travelers Indemnity Company Of Connecticut, Et Al

Defendant Acceptance Indemnity Insurance Company

Defendant United Fire & Casualty Company

Defendant Dixie Specialty Insurance Company

Defendant First Mercury Insurance Company

Defendant Zurich Insurance Company

Defendant Travelers Property Casualty Company Of America

Defendant Travelers Indemnity Company Of Illinois

CASE HISTORY FOR CASE A24010900343**Carl E. Woodward, Llc**

Current Age: Unknown

DOB: Unknown

3601 North I-10 Service Road

DL#:

SSN: 000-00-0000

Total Paid: \$ 126.00

Balance Due: \$ 0.00

Metairie, LA 70002-7045

COST	AMOUNT	PAY PRIORITY
------	--------	--------------

Total:

DATE	TIME	DESCRIPTION
10/19/2009	12:49 pm	Filing recorded: PROOF OF SERVICE ON ZURICH INSURANCE COMPANY Carl E. Woodward, Llc
10/19/2009	12:49 pm	JR1 recorded the following Case Action Note: SERVED ON DANNY PERRY/CHARLES BREWER ON OCTOBER 9, 2009 BY MARKELL RHODES F/B TAMMY BARNETT Carl E. Woodward, Llc
10/19/2009	12:46 pm	Filing recorded: PROOF OF SERVICE ON TRAVELERS INDEMNITY CO. OF AMERICA Carl E. Woodward, Llc
10/19/2009	12:46 pm	JR1 recorded the following Case Action Note: SERVED ON DANNY PERRY/CHARLES A. BREWER ON OCTOBER 9, 2009 BY MARKELL RHODES F/B TAMMY BARNETT Carl E. Woodward, Llc
10/19/2009	12:28 pm	Filing recorded: PROOF OF SERVICE ON TRAVELERS PROPERTY CASUALTY CO Carl E. Woodward, Llc
10/19/2009	12:28 pm	JR1 recorded the following Case Action Note: OF AMERICA - SERVED ON DANNY PERRY/CHARLES BREWER ON OCTOBER 9, 2009 BY MARKELL RHODES F/B TAMMY BARNETT Carl E. Woodward, Llc
10/19/2009	12:27 pm	Filing recorded: PROOF OF SERVICE ON TRAVELERS INDEMNITY CO. OF ILLINOIS Carl E. Woodward, Llc
10/19/2009	12:27 pm	JR1 recorded the following Case Action Note: SERVED ON DANNY PERRY/CHARLES A. BREWER ON OCTOBER 9, 2009 BY MARKELL RHODES F/B TAMMY BARNETT Carl E. Woodward, Llc
10/19/2009	12:25 pm	Filing recorded: PROOF OF SERVICE ON TRAVELERS INDEMNITY CO OF CONN. Carl E. Woodward, Llc
10/19/2009	12:25 pm	JR1 recorded the following Case Action Note: SERVED ON DANNY PERRY/CHARLES A. BREWER ON OCTOBER 9, 2009 BY MARKELL RHODES F/B TAMMY BARNETT

Print Date: 10/26/2009

Print Time: 2:06:14PM

Requested By: DP1

File: J:\pcss\jemsrpts\Circuit\CaseHistoryCivil.RPT

Page 1 of 3

CASE HISTORY FOR CASE A24010900?

		Carl E. Woodward, Llc
10/19/2009	12:22 pm	Filing recorded: PROOF OF SERVICE ON UNITED FIRE & CASUALTY CO. C/O Carl E. Woodward, Llc
10/19/2009	12:22 pm	JR1 recorded the following Case Action Note: TROY ELLIS - SERVED ON OCTOBER 12, 2009 BY DEXTER DURR F/B TAMMY BARNETT Carl E. Woodward, Llc
10/19/2009	12:19 pm	Filing recorded: PROOF OF SERVICE ON DIXIE SPECIALTY INS. CO. Carl E. Woodward, Llc
10/19/2009	12:19 pm	JR1 recorded the following Case Action Note: SERVED ON CHRISTIE BEARD FOR DIXIE SPECIALTY INS. CO ON OCTOBER 12, 2009 BY MARCU WASHINGTON F/B TAMMY BARNETT Carl E. Woodward, Llc
10/05/2009	1:07 pm	Filing recorded: SUMMONS ISSUED TO TRAVELERS INDEMNITY CO. CONNECTICUT Carl E. Woodward, Llc
10/05/2009	1:07 pm	JR1 recorded the following Case Action Note: C/O CHARLES A. BREWER, ITS REGISTERED AGENT F/B BRIAN KIMBALL - RETURNED TO ATTORNEY FOR SERVICE Carl E. Woodward, Llc
10/05/2009	1:04 pm	Filing recorded: SUMMONS ISSUED TO TRAVELERS INDEMNITY CO. OF ILLINOIS Carl E. Woodward, Llc
10/05/2009	1:04 pm	JR1 recorded the following Case Action Note: C/O CHARLES A. BREWER, ITS REGISTERED AGENT - F/B BRIAN KIMBALL - RETURNED TO ATTORNEY FOR SERVICE Carl E. Woodward, Llc
10/05/2009	1:03 pm	Filing recorded: SUMMONS ISSUED TO TRAVELERS PROPERTY CASUALTY CO Carl E. Woodward, Llc
10/05/2009	1:03 pm	JR1 recorded the following Case Action Note: C/O CHARLES A. BREWER, ITS REGISTERED AGENT - F/B BRIAN KIMBALL - RETURNED TO ATTORNEY FOR SERVICE Carl E. Woodward, Llc
10/05/2009	1:00 pm	Filing recorded: SUMMONS ISSUED TO TRAVELERS INDEMNITY CO. OF AMERICA Carl E. Woodward, Llc
10/05/2009	1:00 pm	JR1 recorded the following Case Action Note: C/O CHARLES A. BREWER, ITS REGISTERED AGENT - F/B BRIAN KIMBALL - RETURNED TO ATTORNEY FOR SERVICE Carl E. Woodward, Llc
10/05/2009	12:58 pm	Filing recorded: SUMMONS ISSUED TO ZURICH INSURANCE COMPANY Carl E. Woodward, Llc
10/05/2009	12:58 pm	JR1 recorded the following Case Action Note: C/O CHARLES A. BREWER - F/B BRIAN KIMBALL - RETURNED TO ATTORNEY FOR SERVICE Carl E. Woodward, Llc
10/05/2009	12:56 pm	Filing recorded: SUMMONS ISSUED TO FIRST MERCUTY INSURANCE CO. Carl E. Woodward, Llc
10/05/2009	12:56 pm	JR1 recorded the following Case Action Note: F/B BRIAN KIMBALL - RETURNED TO ATTORNEY FOR SERVICE Carl E. Woodward, Llc
10/05/2009	12:54 pm	Filing recorded: SUMMONS ISSUED TO DIXIE SPECIALTY INS. COMPANY Carl E. Woodward, Llc
10/05/2009	12:54 pm	JR1 recorded the following Case Action Note: C/O DAVID PHILLIPS - F/B BRIAN C. KIMBALL - RETURNED TO ATTORNEY FOR SERVICE Carl E. Woodward, Llc
10/05/2009	12:51 pm	Filing recorded: SUMMONS ISSUED TO UNITED FIRE & CASUALTY COMPANY Carl E. Woodward, Llc
10/05/2009	12:51 pm	JR1 recorded the following Case Action Note: F/B BRIAN C. KIMBALL - RETURNED TO ATTORNEY FOR SERVICE Carl E. Woodward, Llc
10/05/2009	12:49 pm	Filing recorded: SUMMONS ISSUED TO ACCEPTANCE INDEMNITY INS. CO. Carl E. Woodward, Llc
10/05/2009	12:49 pm	JR1 recorded the following Case Action Note: F/B BRIAN C. KIMBALL - RETURNED TO ATTORNEY FOR SERVICE Carl E. Woodward, Llc
10/05/2009	12:22 pm	Filing recorded: Added Judge Assigned Clark

CASE HISTORY FOR CASE A24010900?

10/05/2009	12:20 pm	Filing recorded: COMPLAINT
		Carl E. Woodward, Llc

Circuit Court District 1
CASE HISTORY FOR CASE A24010900343

Carl E. Woodward, Lic vs Travelers Indemnity Company Of Connecticut, Et Al

LED DATE: 10/5/2009

CASE TYPE: 4/INSURANCE

STATUS: Active

JUDGE: Clark, Roger T

CASE PARTIES:

Plaintiff Carl E. Woodward, Lic
 Plaintiff Attorney Kimball, Brian Craig
 Defendant Travelers Indemnity Company Of Connecticut, Et Al
 Defendant Acceptance Indemnity Insurance Company
 Defendant United Fire & Casualty Company
 Defendant Dixie Specialty Insurance Company
 Defendant First Mercury Insurance Company
 Defendant Zurich Insurance Company
 Defendant Travelers Property Casualty Company Of America
 Defendant Travelers Indemnity Company Of Illinois

CASE HISTORY FOR CASE A24010900343

Carl E. Woodward, Lic
 3601 North I-10 Service Road
 Metairie, LA 70002-7045
 COST

Current Age: Unknown
 DL#:
 Total Paid: \$ 126.00

DOB: Unknown
 SSN: 000-00-0000
 Balance Due: \$ 0.00

AMOUNT

PAY PRIORITY

Total:

DATE	TIME	DESCRIPTION
10/19/2009	12:49 pm	Filing recorded: PROOF OF SERVICE ON ZURICH INSURANCE COMPANY Carl E. Woodward, Lic
10/19/2009	12:49 pm	JR1 recorded the following Case Action Note: SERVED ON DANNY PERRY/CHARLES BREWER ON OCTOBER 9, 2009 BY MARKELL RHODES F/B TAMMY BARNETT Carl E. Woodward, Lic
10/19/2009	12:46 pm	Filing recorded: PROOF OF SERVICE ON TRAVELERS INDEMNITY CO. OF AMERICA Carl E. Woodward, Lic
10/19/2009	12:46 pm	JR1 recorded the following Case Action Note: SERVED ON DANNY PERRY/CHARLES A. BREWER ON OCTOBER 9, 2009 BY MARKELL RHODES F/B TAMMY BARNETT Carl E. Woodward, Lic
10/19/2009	12:28 pm	Filing recorded: PROOF OF SERVICE ON TRAVELERS PROPERTY CASUALTY CO Carl E. Woodward, Lic
10/19/2009	12:28 pm	JR1 recorded the following Case Action Note: OF AMERICA - SERVED ON DANNY PERRY/CHARLES BREWER ON OCTOBER 9, 2009 BY MARKELL RHODES F/B TAMMY BARNETT Carl E. Woodward, Lic
10/19/2009	12:27 pm	Filing recorded: PROOF OF SERVICE ON TRAVELERS INDEMNITY CO. OF ILLINOIS Carl E. Woodward, Lic
10/19/2009	12:27 pm	JR1 recorded the following Case Action Note: SERVED ON DANNY PERRY/CHARLES A. BREWER ON OCTOBER 9, 2009 BY MARKELL RHODES F/B TAMMY BARNETT Carl E. Woodward, Lic
10/19/2009	12:25 pm	Filing recorded: PROOF OF SERVICE ON TRAVELERS INDEMNITY CO OF CONN. Carl E. Woodward, Lic
10/19/2009	12:25 pm	JR1 recorded the following Case Action Note: SERVED ON DANNY PERRY/CHARLES A. BREWER ON OCTOBER 9, 2009 BY MARKELL RHODES F/B TAMMY BARNETT

Print Date: 10/26/2009
 Print Time: 2:06:14PM
 Requested By: DP1

File: J:\pcss\jemsrpts\Circuit\CaseHistoryCivil.RPT

Page 1 of 3

E-2) BUSY NO FACSIMILE CONNECTION

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

28/28

OK

66791131

558 MEMORY TX

PAGE

RESULT

ADDRESS

TRANSMITTED/STORED : NOV. 16. 2009 2:48PM
FILE MODE
OPTION

FAX HEADER: CIRCUIT COURT

* * * COMMUNICATION RESULT REPORT (NOV. 16. 2009 2:51PM) * * *

* * * COMMUNICATION RESULT REPORT (OCT. 26. 2009 12:57PM) * * *

FAX HEADER: CIRCUIT COURT

TRANSMITTED/STORED : OCT. 26. 2009 12:48PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

096 MEMORY TX

916012614106

OK

37/37

REASON FOR ERROR

E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

From: 801-261-4106

To: Court Clerk

E-2) BUSY
E-4) NO FACSIMILE CONNECTION

Page: 1/1

Date: 10/20/2009 11:42:00 AM

BRYAN NELSON P.A.

ATTORNEYS AT LAW

FIRST OFFICE DRIVEWAY 1988

8204 U.S. HIGHWAY 90

NATTSBURG, MISSISSIPPI 39404-8100

October 26, 2009

JOHN F. BRYAN JR. (1932-1982)
E.S. NED NELSON (1928-1988)

TELEPHONE

(801) 261-4100

FACSIMILE

(801) 261-4100

*Also Admitted in Louisiana

JACK W. LAND
EVE GABLE
HERMAN M. HOLLEND, JR.
MARY A. HUBBARD
V. K. JACK SMITH
DAVID M. OTT
RICHARD D. HORTON
JOSEPH A. O'CONNELL
WILLIAM A. O'NEILL, JR.
STACY L. REAMES
CANDANCE L. RICHMAN
CHRISTOPHER A. POWELL
MARK E. NORTON
BRAD A. THOMPSON
JARED W. EASTMANHarrison County Circuit Court
PO Box 998
Gulfport MS 39502
Via Facsimile: 228-865-4099RE: Carl E. Woodward, LLC, et al v. Travelers Indemnity Company, et al
Cause Number: A2401-09-343
Our File Number: 1162-605

Dear Clerk:

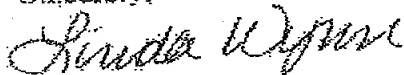
We need to obtain the following information in the above referenced case:

- (1) A complete copy of the docket.
- (2) Whether any attorneys for any defendants have entered an appearance, and
- (3) An entire copy of the court's file.

If you can fax me the docket and/or the copy of the court file, please send it to 601-261-4106 with an invoice for your copy charges. Otherwise, please let me know if you require that these items be mailed only or if arrangements need to be made for the docket and file to be copied and picked up from the clerk's office.

Thank you for your assistance with this matter and I look forward to hearing from you.

Sincerely,



Linda Wynn
Paralegal to
DAVID M. OTT

CARROLL WARREN & PARKER PLLC | POST OFFICE BOX 1005 | TELEPHONE: (601) 592-1010
CITY CENTRE BUILDING, SUITE 900 N. | JACKSON, MISSISSIPPI | FACSIMILE: (601) 592-6060
200 SOUTH LAMAR STREET (39201) | 39215-1005 | WEB: WWW.CWP.LAW.COM



CARROLL
WARREN
& PARKER

FACSIMILE TRANSMISSION

DATE: October 22, 2009

TO: Harrison County Circuit Clerk's Office **FAX:** 228-865-4009
ATTN: Donnie

FROM: R. Douglas Morgan, Esq.
Carroll Warren & Parker PLLC

RE: Carl E. Woodward, LLC, et al. vs. Travelers Indemnity Co. of
Connecticut
Civil Action No.: A2401-09-343

PAGES: 1 page (including cover page)

Dear Donnie:

Please fax to us the copies of all "filed" Proofs of Service in the above-referenced action. Our fax number is 601-592-6060. Thank you very much.

NOTICE: This facsimile and any attachments may be confidential and protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this facsimile or any attachments are prohibited. If you have received this facsimile in error, please notify us immediately by replying to the sender and destroying this copy.

* * * COMMUNICATION RESULT REPORT (OCT. 26. 2009 9:59AM) * * *

FAX HEADER: CIRCUIT COURT

TRANSMITTED/STORED : OCT. 26. 2009 9:53AM
FILE MODE OPTION

ADDRESS

RESULT

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093 MEMORY TX

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REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION
2009-10-26 15:01:43 (GMT)

16015109249 From: Rayann Dukes

Donnie Page 1 of 2

FAX COVER SHEET

TO	Donnie
COMPANY	Harrison County Circuit Clerk's
FAX NUMBER	12288654009
FROM	Rayann Dukes
DATE	2009-10-26 15:00:37 GMT
RE	

COVER MESSAGE

Dear Donnie:

Please see attached.

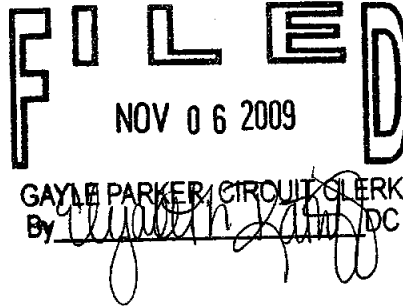
CARROLL WARREN & PARKER PLLC
188 EAST CAPITOL STREET, SUITE 1200
JACKSON, MISSISSIPPI (39201)

POST OFFICE BOX 1005
JACKSON, MISSISSIPPI
39215-1005

TELEPHONE: (601) 592-1010
FACSIMILE: (601) 592-6060
WEB: WWW.CWPLAW.COM



CARROLL
WARREN
& PARKER



November 5, 2009

Via Federal Express

Ms. Gayle Parker
Harrison County Circuit Clerk
First Judicial District
1801 23rd Avenue
Gulfport, Mississippi 39501

Re: *Carl E. Woodward, LLC and The Gray Insurance Company v. The Travelers Indemnity Company of Connecticut, The Travelers Indemnity Company of Illinois, Travelers Property Casualty Company of America, The Travelers Indemnity Company of America, Zurich Insurance Company, First Mercury Insurance Company, Dixie Specialty Insurance Company, United Fire & Casualty Company and Acceptance Indemnity Insurance Company, Circuit Court of Harrison County, Mississippi, First Judicial District, Civil Action No. A2401-09-343*

Dear Ms. Parker:

Please find enclosed for filing in the above-referenced matter The Travelers Indemnity Company of Connecticut, Travelers Property Casualty Company of America f/k/a The Travelers Indemnity Company of Illinois, and The Travelers Indemnity Company of America's Answer and Affirmative Defenses. A copy has been served upon counsel of record. Please stamp the extra copy "filed" and return in the enclosed self-addressed and stamped envelope.

Thank you for your assistance in this matter.

Sincerely,

CARROLL WARREN & PARKER PLLC

R. Douglas Morgan
dmorgan@cwplaw.com

Enclosures

cc: Samuel C. Kelley, Esq. w/ enclosures (via U.S. Mail)

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

CARL E. WOODWARD, LLC AND
THE GRAY INSURANCE
COMPANY

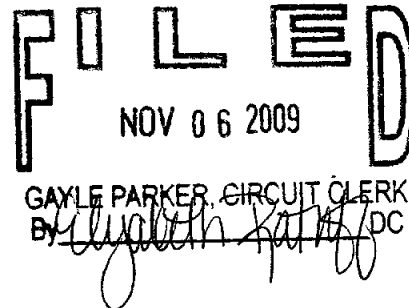
PLAINTIFFS

vs.

Civil Action No. A2401-09-343

THE TRAVELERS INDEMNITY
COMPANY OF CONNECTICUT,
THE TRAVELERS INDEMNITY
COMPANY OF ILLINOIS,
TRAVELERS PROPERTY
CASUALTY COMPANY OF
AMERICA, THE TRAVELERS
INDEMNITY COMPANY OF
AMERICA, ZURICH INSURANCE
COMPANY, FIRST MERCURY
INSURANCE COMPANY, DIXIE
SPECIALTY INSURANCE
COMPANY, UNITED FIRE &
CASUALTY COMPANY, AND
ACCEPTANCE INDEMNITY
INSURANCE COMPANY

DEFENDANTS



TRAVELERS' ANSWER AND AFFIRMATIVE DEFENSES

NOW COME The Travelers Indemnity Company of Connecticut, Travelers Property Casualty Company of America f/k/a The Travelers Indemnity Company of Illinois, and The Travelers Indemnity Company of America (collectively "Travelers"), by counsel, and file their Answer and Affirmative Defenses to Plaintiffs Carl E. Woodward, LLC ("Woodward") and The Gray Insurance Company's ("Gray") Complaint as follows:

Parties

1. Upon information and belief, Travelers admits the allegations contained in paragraph 1 of Plaintiffs' Complaint.

2. Upon information and belief, Travelers admits the allegations contained in paragraph 2 of Plaintiffs' Complaint.

3. Travelers admits the allegations contained in paragraph 3 of Plaintiffs' Complaint, with the exception that The Travelers Indemnity Company of Illinois is not a legal entity and did not issue any insurance policy potentially applicable to the subject claims, and therefore, is not a proper party to this action.

4. Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of Plaintiffs' Complaint and therefore, denies same.

5. Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of Plaintiffs' Complaint and therefore, denies same.

6. Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of Plaintiffs' Complaint and therefore, denies same.

7. Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of Plaintiffs' Complaint and therefore, denies same.

8. Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of Plaintiffs' Complaint and therefore, denies same.

Jurisdiction and Venue

9. Upon information and belief, Travelers admits the allegations contained in paragraph 9 of Plaintiffs' Complaint.

10. To the extent the allegations of paragraph 10 of Plaintiffs' Complaint are directed to Travelers, Travelers denies same. With respect to the other defendants in this action, Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of Plaintiffs' Complaint and therefore, denies same.

Facts

11. Upon information and belief, Travelers admits that Woodward executed a contract with Pass Marianne, LLC ("Pass Marianne") under which Woodward agreed to construct Pass Marianne Condominiums in Pass Christian, Mississippi (the "Condominiums"). Travelers further admits that Woodward and T.S. Wall & Son, Inc. ("T.S. Wall") entered into a subcontract in connection with the construction of the Condominiums. Travelers is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 11 of Plaintiffs' Complaint and therefore, denies same.

12. Travelers admits that it issued policy nos. I-680-9797B978-TIA-06, effective September 30, 2006 to September 30, 2007, I-680-9797B978-TCT-07, effective September 30, 2007 to September 30, 2008, and I-680-9797B978-TIL-08, effective September 30, 2008 to September 30, 2009, to T.S. Wall (the "Travelers Policies"), the terms and provisions of which speak for themselves. Travelers admits that the Travelers Policies each contain a "Blanket Additional Insured-Owners, Lessees or Contractors" endorsement (form no. CG D1 05 04 94), the terms and provisions of which also speak for themselves. Travelers denies that the Travelers Policies name Woodward as an insured. Travelers is without knowledge or information

sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 12 of Plaintiffs' Complaint and therefore, denies same.

13. To the extent a response is required, Travelers admits that it issued the Travelers Policies to T.S. Wall and that the policy nos. for the Travelers Policies identified in paragraph 13 of Plaintiffs' Complaint are accurate. Travelers is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 13 of Plaintiffs' Complaint and therefore, denies same.

14. Travelers admits that Pass Marianne filed a cross-claim against Woodward on December 22, 2008, in the referenced state court action, cause no. A2401-008-475, alleging construction deficiencies on the part of Woodward with respect to the foundation piers, roofing and exterior doors of the Condominiums and generally alleging that Woodward cheapened interior finishes, including, but not limited to, cabinets, fixtures, appliances, and materials, evidencing fraud and extreme bad faith.

15. Upon information and belief, Travelers admits that the subject dispute between Woodward and Pass Marianne regarding the construction of the Condominiums is currently in arbitration. Travelers admits that Rimkus Consulting Group, Inc. prepared a report for Pass Marianne regarding the construction of the Condominiums dated December 18, 2008 (the "Rimkus Report"), which identifies certain alleged construction deficiencies. Travelers denies that the Rimkus Report specifically identifies T.S. Wall or any damages allegedly caused by T.S. Wall. Travelers is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 15 of Plaintiffs' Complaint and therefore, denies same.

16. Upon information and belief, Travelers admits that Pass Marianne filed an Answering Statement and Counterclaim Request on April 23, 2009 in the arbitration proceedings, alleging certain counterclaims against Woodward and seeking \$22,000,000 in damages. Travelers is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 16 of Plaintiffs' Complaint and therefore, denies same.

17. Travelers admits that Woodward, through its counsel, demanded defense and indemnity from Travelers as an additional insured under the Travelers Policies by letter dated May 6, 2009, in connection with Pass Marianne's subject claims against Woodward in the referenced state court action and arbitration proceedings. Travelers denies that it has refused to provide Woodward with a defense and indemnity. The terms of the Travelers Policies with respect to any defense and/or indemnity obligations as to Woodward speak for themselves. Travelers is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 17 of Plaintiffs' Complaint and therefore, denies same.

18. Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of Plaintiffs' Complaint and therefore, denies same.

Claims for Relief

Breach of Contract

19. Travelers reasserts and incorporates by reference its responses to paragraphs 1 through 18 of Plaintiffs' Complaint.

20. Paragraph 20 of Plaintiffs' Complaint contains a legal conclusion to which no response is required. To the extent a response is required, Travelers admits that the Travelers Policies are valid contracts as between Travelers and its named insured, T.S. Wall. With respect to policies issued by the other defendants in this action, Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of Plaintiffs' Complaint and therefore, denies same.

21. Paragraph 21 of Plaintiffs' Complaint contains a legal conclusion to which no response is required. To the extent a response is required, Travelers denies that Plaintiffs are intended beneficiaries of the Travelers Policies. With respect to policies issued by the other defendants in this action, Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of Plaintiffs' Complaint and therefore, denies same.

22. To the extent the allegations of paragraph 22 of Plaintiffs' Complaint are directed to Travelers, Travelers denies same. With respect to the other defendants in this action, Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of Plaintiffs' Complaint and therefore, denies same.

23. To the extent the allegations of paragraph 23 of Plaintiffs' Complaint are directed to Travelers, Travelers denies same. With respect to the other defendants in this action, Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of Plaintiffs' Complaint and therefore, denies same.

24. To the extent that the allegations in paragraph 24 of Plaintiffs' Complaint are directed to Travelers, Travelers denies same. With respect to the other defendants in this action,

Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of Plaintiffs' Complaint and therefore, denies same.

Subrogation

25. Travelers reasserts and incorporates by reference its responses to paragraphs 1 through 24 of Plaintiffs' Complaint.

26. To the extent that the allegations of paragraph 26 of Plaintiffs' Complaint are directed to Travelers, the Travelers Policies speak for themselves as to any defense and indemnity obligations to Woodward in connection with Pass Marianne's subject claims against Woodward. Travelers is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 26 of Plaintiffs' Complaint and therefore, denies same.

27. To the extent that the allegations of paragraph 27 of Plaintiffs' Complaint are directed to Travelers, Travelers denies that it has failed to satisfy any defense or indemnity obligation in connection with Pass Marianne's subject claims against Woodward. Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegation that Gray has incurred costs to defend Woodward and therefore, denies same. With respect to the other defendants, Travelers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of Plaintiffs' Complaint and therefore, denies same.

28. To the extent that the allegations in paragraph 28 of Plaintiffs' Complaint are directed to Travelers, Travelers denies same. With respect to the other defendants in this action, Travelers is without knowledge of information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of Plaintiffs' Complaint and therefore, denies same.

Declaration of Coverage

29. Travelers reasserts and incorporates by reference its responses to paragraphs 1 through 28 of Plaintiffs' Complaint.

30. To the extent that the allegations of paragraph 30 are directed to Travelers, the Travelers Policies speak for themselves as to any defense and indemnity obligations to Woodward in connection with Pass Marianne's claims against Woodward. Travelers is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 30 of Plaintiffs' Complaint and therefore, denies same.

Demand

Travelers denies the allegations contained in that certain unnumbered paragraph beginning with "ACCORDINGLY," and deny that Plaintiffs are entitled to any of the relief and/or damages sought against Travelers in their Complaint.

AFFIRMATIVE DEFENSES

AND NOW, having fully responded to Plaintiffs' Complaint, paragraph by paragraph, Travelers asserts the following affirmative defenses to Plaintiffs' Complaint:

FIRST AFFIRMATIVE DEFENSE

Plaintiffs' Complaint fails to state a claim against Travelers upon which relief can be granted and should be dismissed.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' Complaint fails to state a claim for bad faith and/or punitive damages against Travelers upon which relief can be granted and such claims should be dismissed.

THIRD AFFIRMATIVE DEFENSE

Plaintiff Gray's claims against Travelers to recover defense costs and any indemnity paid in connection with Pass Marianne's subject claims against Woodward may be barred, in whole or in part, by the doctrines of waiver and/or estoppel, to the extent that Gray did not sufficiently and timely reserve its rights in connection with its responsibilities and obligations as primary insurer for Woodward.

FOURTH AFFIRMATIVE DEFENSE

Gray may be estopped from denying that it owes primary, or at least co-primary, coverage to Woodward to the extent that Gray made any payments of defense or other costs on behalf of Woodward without sufficiently and timely reserving its rights.

FIFTH AFFIRMATIVE DEFENSE

Travelers affirmatively invokes the "Blanket Additional Insured-Owners, Lessees or Contractors" endorsement (form no. CG D1 05 04 94) to the Travelers Policies, which provides:

**BLANKET ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

PROVISIONS:

1. WHO IS AN INSURED (SECTION II) is amended to include as an insured any person or organization (called hereafter "additional insured") whom you have agreed in a written contract, executed prior to loss, to name as additional insured, but only with respect to liability arising out of "your work" or your ongoing operations for that additional insured performed by you or for you.
2. With respect to the insurance afforded to Additional Insureds the following conditions apply:
 - a. Limits of Insurance - The following limits of liability apply:

1. The limits which you agreed to provide; or
2. The limits shown on the declarations, whichever is less.
- b. This insurance is excess over any valid and collectible insurance unless you have agreed in a written contract for this insurance to apply on a primary or contributory basis.
3. This insurance does not apply:
 - a. on any basis to any person or organization for whom you have purchased an Owners and Contractors Protective policy.
 - b. to “bodily injury,” “property damage,” “personal injury,” or “advertising injury” arising out of the rendering of or the failure to render any professional services by or for you, including:
 1. The preparing, approving or failing to prepare or approve maps, drawings, opinions, reports, surveys, change orders, designs or specifications; and
 2. Supervisory, inspection or engineering services.

Any additional insured coverage to Woodward under any of the Travelers Policies in connection with Pass Marianne’s subject claims is subject to the terms of the Travelers Policies and all endorsements thereto, including, but not limited to, the limitation in the foregoing endorsement that any additional insured coverage is “only with respect to liability arising out of ‘[T.S. Wall’s] work’ or [T.S. Wall’s] ongoing operations for [Woodward] performed by [T.S. Wall] or for [T.S. Wall].”

SIXTH AFFIRMATIVE DEFENSE

Travelers affirmatively invokes the bodily injury and property damage liability insuring agreement and the definitions of “occurrence” and “property damage” in the Travelers Policies as follows:

COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY

1. Insuring Agreement

* * *

b. This insurance applies to "bodily injury" and "property damage" only if:

- (1) The "bodily injury" or "property damage" is caused by an "occurrence" that takes place in the "coverage territory";
- (2) The "bodily injury" or "property damage" occurs during the policy period; and

* * *

SECTION V - DEFINITIONS

* * *

"Occurrence" means an accident, including continuous or repeated exposure to substantially the same general harmful conditions.

* * *

"Property damage" means:

- a. Physical injury to tangible property, including all resulting loss of use of that property. All such loss of use shall be deemed to occur at the time of the physical injury that caused it; or
- b. Loss of use of tangible property that is not physically injured. All such loss of use shall be deemed to occur at the time of the "occurrence" that caused it.

* * *

To the extent that Pass Marianne's subject claims against Woodward do not constitute "property damage" that is caused by an "occurrence" and that occurs during the policy period, the Travelers Policies do not provide coverage for such claims.

SEVENTH AFFIRMATIVE DEFENSE

Travelers affirmatively invokes the "expected or intended injury" exclusion in the Travelers Policies, which provides, in relevant part, that "[t]his insurance does not apply to":

Expected Or Intended Injury

"Bodily injury" or "property damage" expected or intended from the standpoint of the insured.

* * *

EIGHTH AFFIRMATIVE DEFENSE

Travelers affirmatively denies that it has breached any obligations under the Travelers Policies, including any defense or indemnity obligations, or acted in bad faith as to Woodward in connection with Pass Marianne's subject claims.

NINTH AFFIRMATIVE DEFENSE

Travelers affirmatively invokes all of the terms, conditions, provisions, exclusions and endorsements of the Travelers Policies.

TENTH AFFIRMATIVE DEFENSE

Although Travelers expressly denies that Plaintiffs are entitled to the relief they have requested from Travelers in this action, including, but not limited to, Plaintiffs' claim for punitive damages, Travelers affirmatively pleads that:

- (1) An award of punitive damages in this civil action would amount to a deprivation of property without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution and Section 14 of the Mississippi Constitution;
- (2) An award of punitive damages in this civil action would violate the due process provision of the Fifth and Fourteenth Amendments to the United States Constitution and Section 14 of the Mississippi Constitution;
- (3) The criteria used for determining whether and in what amount punitive damages may be awarded are impermissibly vague, imprecise, and inconsistent and are therefore in violation of the due process provisions of the Fifth and Fourteenth Amendments to the United States Constitution;

- (4) An award of punitive damages in this civil action would amount to an excessive fine in violation of the Eighth Amendment to the United States Constitution and of Section 28 of the Mississippi Constitution;
- (5) An award of punitive damages in this civil action would violate the Equal Protection provisions of the Fourteenth Amendment in that such a sanction is discriminatory and arbitrary and penalizes the defendant on the basis of their assets or wealth;
- (6) To the extent that Travelers is subjected to a criminal sanction through punitive damages, the burden of proof required to impose the same should be proved "beyond a reasonable doubt," and punitive damages should not be awarded without affording Travelers the full range of criminal procedural safeguards afforded by the Fourth, Fifth, and Sixth Amendments to the United States Constitution;
- (7) An award of punitive damages would violate Article I, Section X of the United States Constitution; and
- (8) An award of punitive damages in this civil action would violate similar and related provisions, as noted above, of the Constitution of the State of Mississippi.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' Complaint fails to specifically allege facts that warrant the imposition of punitive damages.

TWELFTH AFFIRMATIVE DEFENSE

Travelers invokes the standards for any award of punitive damages as set forth in *State Farm Mutual Automobile Insurance Co. v. Campbell*, 538 U.S. 408 (2003), *Cooper Industries v. Leatherman Tool Group, Inc.*, 532 U.S. 424 (2001), *BMW v. Gore*, 517 U.S. 559 (1996), *Bradfield v. Schwartz*, 936 So. 2d 931 (Miss. 2006) and *MIC Life Ins. Co. v. Hicks*, 825 So. 2d

616 (Miss. 2002). Travelers asserts all rights and defenses prescribed in these cases, and their progeny, including, but not limited to, its right to a *de novo* review of any award of punitive damages that might be rendered against Travelers in this matter.

THIRTEENTH AFFIRMATIVE DEFENSE

Travelers affirmatively invokes the provisions of Miss. Code Ann. § 11-1-65, as amended, as applicable to Plaintiffs' claim for punitive damages.

FOURTEENTH AFFIRMATIVE DEFENSE

Travelers invokes the provisions of Miss. Code Ann. § 85-5-7, as amended, to the extent it is applicable to Plaintiffs' claims.

FIFTEENTH AFFIRMATIVE DEFENSE

Travelers hereby gives notice that it intends to rely upon such other affirmative defenses that may become available or known during the course of discovery, or otherwise, in this matter, and reserves the right to amend its Answer and Affirmative Defenses to assert any such affirmative defenses.

WHEREFORE, PREMISES CONSIDERED, Travelers respectfully requests that this Court dismiss Plaintiffs' Complaint as to Travelers with prejudice and deny Plaintiffs any and all of the relief and damages they seek against Travelers in their Complaint.

Respectfully submitted,

**THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT,
TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA F/K/A
THE TRAVELERS INDEMNITY COMPANY OF ILLINOIS, AND THE
TRAVELERS INDEMNITY COMPANY OF AMERICA**

BY: CARROLL WARREN & PARKER, PLLC

BY:


R. Douglas Morgan

OF COUNSEL:

R. Douglas Morgan, Esq. (MB# 100025)
Christopher H. Coleman, Esq. (MB# 101899)
Dustin L. DuBose, Esq. (MB# 102472)
CARROLL WARREN & PARKER, PLLC
188 East Capitol Street
One Jackson Place, Suite 1200
Post Office Box 1005
Jackson, Mississippi 39215-1005
Telephone (601) 592-1010
Facsimile (601) 592-6060

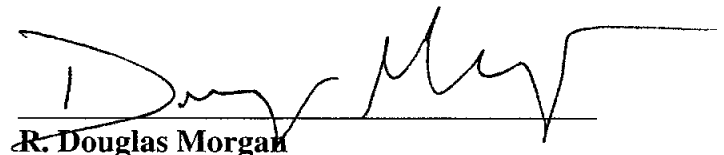
CERTIFICATE OF SERVICE

The undersigned counsel of record for the Travelers Defendants hereby certifies that a true and correct copy of the above and foregoing Answer and Affirmative Defenses has this day been served via United States First Class Mail, postage fully prepaid, or as otherwise stated, upon:

Samuel C. Kelly, Esq.
Brian C. Kimball, Esq.
Brunini, Grantham, Grower & Hewes, PLLC
Post Office Drawer 119
Jackson, Mississippi 39205
190 East Capitol Street, Suite 100
Jackson, Mississippi 39201

*Attorneys for Plaintiffs Carl E. Woodward, LLC and
The Gray Insurance Company*

This 5th day of November, 2009.


R. Douglas Morgan

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

CARL E. WOODWARD, LLC AND
THE GRAY INSURANCE COMPANY

PLAINTIFFS

VS.

CIVIL ACTION NO. A2401-09-343

THE TRAVELERS INDEMNITY COMPANY OF
CONNECTICUT, THE TRAVELERS INDEMNITY
COMPANY OF ILLINOIS, TRAVELERS PROPERTY
CASUALTY COMPANY OF AMERICA, ZURICH
INSURANCE COMPANY, FIRST MERCURY
INSURANCE COMPANY, DIXIE SPECIALITY
INSURANCE COMPANY, UNITED FIRE AND
ACCEPTANCE INDEMNITY INSURANCE COMPANY

FILED
NOV 20 2009
GAYLE PARKER, Circuit Clerk
By [Signature] DC

DEFENDANTS

**DEFENDANT ZURICH INSURANCE COMPANY'S
ANSWER AND DEFENSES TO PLAINTIFFS' COMPLAINT**

COMES ¹NOW, Defendant Northern Insurance Company of New York and Maryland Casualty Company, improperly named as Zurich Insurance Company (hereinafter referred to as "Maryland/Northern"), by and through its attorneys of record and files this its Answer and Defenses to the Plaintiffs' Complaint and would show unto the Court as follows, to-wit:

FIRST DEFENSE

Plaintiffs' Complaint fails to state a claim against this Defendant for which relief can be granted.

SECOND DEFENSE

Plaintiffs' Complaint fails to join an indispensable party pursuant to Rule 19 of the Mississippi Rules of Civil Procedure.

¹Maryland/Northern is the entity that issued the plaintiff's policy and is thus the proper party defendant. If and to the extent the Court might consider Zurich Insurance Company to be a party, this answer and defenses should be deemed filed on behalf of Zurich Insurance Company as well as Maryland/Norther.

THIRD DEFENSE

AND NOW, without waiving its right to first be heard on the aforementioned defenses, this Defendant would answer the Plaintiffs' Complaint, paragraph by paragraph, as follows, to-wit:

Parties

1. Admitted.
2. Admitted.
3. This Defendant does not have sufficient information to form a belief as to the allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.
4. Maryland Casualty Company is a Maryland corporation engaged in the insurance business with a statutory home office located at 3910 Keswick Road, Baltimore 21211 and main administrative office or principal place of business located at 1400 American Lane, Schaumburg, Illinois 60196. MCC is authorized to transact business and has transacted business in Mississippi. Northern Insurance Company of New York (hereinafter "Northern Insurance") is a New York corporation engaged in the insurance business with a statutory home office located at One Liberty Plaza, 165 Broadway, 32nd Floor, New York, New York 10006, and a main administrative office or principal place of business located at 1400 American Lane, Schaumburg, Illinois 60196. It is authorized to transact business and has transacted business in Mississippi.
5. This Defendant does not have sufficient information to form a belief as to the allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.
6. This Defendant does not have sufficient information to form a belief as to the allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.

7. This Defendant does not have sufficient information to form a belief as to the allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.

8. This Defendant does not have sufficient information to form a belief as to the allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.

Jurisdiction and Venue

9. Admitted.

10. Admitted.

Facts

11. This Defendant does not have sufficient information to form a belief as to the allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.

12. Denied.

13. This Defendant admits that Caron Plastering Company obtained a general liability policies through Maryland/Northern. However, the Plaintiffs do not qualify as additional insureds under the policies. This Defendant does not have sufficient information to form a belief as to the remaining allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.

14. Admitted.

15. This Defendant does not have information sufficient to form a belief as to the allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.

16. This Defendant does not have information sufficient to form a belief as to the allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.

17. This Defendant denies the policies requires it to provide a defense and indemnity to Woodward. It is admitted that this Defendant has not provided Woodward with a defense and

indemnity in the State Court Claim or the Arbitration proceedings. This Defendant does not have sufficient information to form a belief as to the remaining allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.

18. This Defendant does not have information sufficient to form a belief as to the allegations of this paragraph of the Plaintiffs' Complaint and therefore, denies the same.

Claims for Relief

Breach of Contract

19. This Defendant adopts and re-alleges its answers to the preceding paragraphs of the Plaintiffs' Complaint.

20. Admitted as to Maryland/Northern and Caron Plastering Company to the extent of all provisions and exclusions contained in the policies. The remaining allegations of this paragraph of the Plaintiff's Complaint are denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

Subrogation

25. This Defendant adopts and re-alleges its answers to the preceding paragraphs of the Plaintiffs' Complaint.

26. Denied.

27. Denied.

28. Denied.

Declaration of Coverage

29. This Defendant adopts and re-alleges its answers to the preceding paragraphs of the Plaintiffs' Complaint.

30. Denied.

Demand

In response to the last unnumbered paragraph of the Plaintiffs' Complaint beginning with "ACCORDINGLY," this Defendant denies that the Plaintiffs are entitled to a judgment against it in any amount whatsoever.

FOURTH DEFENSE

AFFIRMATIVE DEFENSES

AND, NOW, having responded to the allegations contained in Plaintiffs' Complaint, paragraph by paragraph, and having denied all liability in the premises, this Defendant would show unto the Court the following special and affirmative matters:

FIRST AFFIRMATIVE DEFENSE

The Maryland/Northern policies in question are clear and unambiguous, and does not provide coverage or a duty to defend the Plaintiffs in regard to any claims asserted by Pass Marianne, LLC that are associated with the construction of the Pass Marianne Condominiums.

SECOND AFFIRMATIVE DEFENSE

This Defendant affirmatively pleads Miss. Code Ann. §85-5-7.

THIRDAFFIRMATIVE DEFENSE

The procedure and/or standards governing the imposition of punitive damages are

impermissibly vague, arbitrary, improper and/or violate the due process clause of the 14th Amendment and/or the 5th Amendment of the Constitution of the United States and/or Article 3, Section 14 of the Constitution of the State of Mississippi.

FOURTH AFFIRMATIVE DEFENSE

This Defendant asserts and pleads the applicable provisions of Mississippi Code Annotated Sections 11-1-63 and 11-1-65 which pertain to the imposition of punitive damages and that punitive damages and any method of which they may be assessed are unconstitutionally vague and not rationally related to a legitimate government interest. If consideration of punitive damages is to be allowed, then punitive damages must be proven by clear and convincing evidence.

FIFTH AFFIRMATIVE DEFENSE

Defendant avers that any award of punitive damages to the Plaintiffs in this case will violate the 8th Amendment to the Constitution of the United States and/or Article 3, Section 28 of the Constitution of the State of Mississippi and that punitive damages would be an imposition of an excessive fine.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are at least partially barred by the applicable statute of limitations.

SEVENTH AFFIRMATIVE DEFENSE

Defendant Maryland/Northern hereby gives notice that it intends to rely upon such other affirmative defenses that may become available or apparent during discovery in this civil action and reserves its right to amend its answer to assert any such defenses.


AND NOW, having fully answered the allegation of the Complaint filed herein against

them, and having denied any liability in the premises whatsoever, this Defendant requests that it be dismissed here from with its costs expended and to be extended. Further, this Defendant prays for such other and further relief and this Court deems appropriate.

RESPECTFULLY SUBMITTED, this the 17~~th~~ day of November, 2009.

**NORTHERN INSURANCE COMPANY
OF NEW YORK AND MARYLAND
CASUALTY COMPANY, IMPROPERLY
NAMED AS ZURICH INSURANCE
COMPANY., DEFENDANT**

BY:



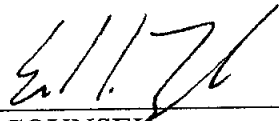
OF COUNSEL

CERTIFICATE OF SERVICE

I, the undersigned counsel, of counsel for Defendant, Zurich Insurance Company, do hereby certify that I have this day served via U.S. First Class Mail, postage prepaid, a true and correct copy of the above and foregoing *Defendant Zurich Insurance Company's Answer and Defenses to Plaintiffs' Complaint* to the following counsel of record:

Samuel C. Kelly, Esq.
Brian C. Kimball, Esq.
Brunini, Grantham, Grower & Hewes, PLLC
P.O. Drawer 119
Jackson, MS 39205

THIS, the 17th day of November, 2009.



OF COUNSEL

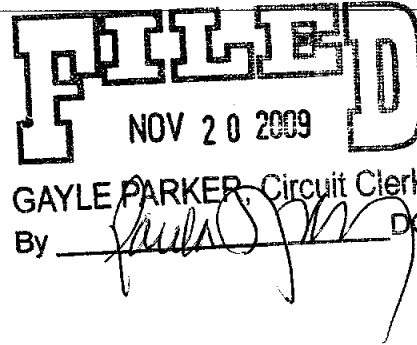
EDWARD C. TAYLOR - BAR #9043
MICHAEL B. DICKINSON - BAR #101885
DANIEL COKER HORTON AND BELL, P.A.
1712 15TH STREET, SUITE 400
POST OFFICE BOX 416
GULFPORT, MS 39502-0416
TELEPHONE: (228) 864-8117
FACSIMILE: (228) 864-6331



DANIEL, COKER, HORTON & BELL P.A.

www.danielcoker.com

November 17, 2009



EDWARD C. TAYLOR
etaylor@danielcoker.com
Also Admitted in Louisiana
Reply to: Gulfport Office

Ms. Gayle Parker
Harrison County Circuit Court Clerk
P.O. Box 998
Gulfport, MS 39502

RE: *Carl E. Woodward, LLC and the Gray Insurance Company Vs. The Travelers Indemnity Company of Connecticut, the Travelers Indemnity Company of Illinois, Travelers Property Casualty Company of America, Zurich Insurance Company, First Mercury Insurance Company, Dixie Speciality Insurance Company, United Fire and Acceptance Indemnity Insurance Company*
In the Circuit Court of Harrison County, Mississippi, First Judicial District
Civil Action No. A2401-09-343
Our File No. 4217-121125

Dear Ms. Parker:

Enclosed for filing in the above-referenced matter, please find an original *Defendant Zurich Insurance Company's Answer and Defenses to Plaintiffs' Complaint*. Also enclosed please find a copy of the aforementioned *Answer and Defenses* which I ask that you file stamp and return to me via the enclosed self-addressed stamped envelope. By copy of this correspondence, counsel opposite is being provided with a copy of the same.

Thank you for your usual courteous service and with kind regards, I am

Sincerely yours,

DANIEL COKER HORTON & BELL

Edward C. Taylor
ECT/kld

Enclosure(s)

cc: Samuel C. Kelly, Esq. and Brian C. Kimball, Esq. (w/enclosures)

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COMPANY OF ILLINOIS, TRAVELERS PROPERTY
CASUALTY COMPANY OF AMERICA, THE
TRAVELERS INDEMNITY COMPANY OF AMERICA,
ZURICH INSURANCE COMPANY, FIRST MERCURY
INSURANCE COMPANY, DIXIE SPECIALTY
INSURANCE COMPANY, UNITED FIRE & CASUALTY
COMPANY, AND ACCEPTANCE INDEMNITY
INSURANCE COMPANY**

FILED
NOV 24 2009
GAYLE PARKER, CIRCUIT CLERK
By *[Signature]* DC

DEFENDANTS

**RULE 12 DEFENSES AND SEPARATE ANSWER OF
ACCEPTANCE INDEMNITY INSURANCE COMPANY**

COMES NOW the Defendant, Acceptance Indemnity Insurance Company ("Acceptance"), by and through its undersigned counsel, Phelps Dunbar LLP, which, for response to the Complaint filed on behalf of Carl E. Woodward, LLC and The Gray Insurance Company, would show unto the Court the following, to-wit:

RULE 12 DEFENSES

Plaintiffs' Complaint fails to join an indispensable party under MRCP 17 and/or 19. Additionally, Plaintiffs' Complaint fails to state a claim upon which relief can be granted. Acceptance reserves all objections pursuant to MRCP 12(b)(3), (4), (5), and (7).

ANSWER

AND NOW, having raised and preserved its Rule 12 defenses, Defendant responds to the allegations of the Complaint, paragraph by paragraph, as follows:

PARTIES

1. Acceptance denies the allegations of Paragraph 1 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

2. Acceptance denies the allegations of Paragraph 2 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

3. Acceptance denies the allegations of Paragraph 3 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

4. Acceptance denies the allegations of Paragraph 4 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

5. Acceptance denies the allegations of Paragraph 5 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

6. Acceptance denies the allegations of Paragraph 6 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

7. Acceptance denies the allegations of Paragraph 7 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

8. Acceptance admits it is a Nebraska corporation and its principal place of business is located in Omaha, Nebraska.

JURISDICTION AND VENUE

9. Paragraph 9 consists solely of legal conclusions rather than factual allegations and therefore requires no response on the part of the Defendant; however, should the Court require a response or construe the lack thereof as an admission of any liability whatsoever in the premises, Acceptance denies the allegations and vague legal conclusions of Paragraph 9 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

10. Paragraph 10 consists solely of legal conclusions rather than factual allegations and therefore requires no response on the part of the Defendant; however, should the Court require a response or construe the lack thereof as an admission of any liability whatsoever in the premises, Acceptance denies the allegations and vague legal conclusions of Paragraph 10 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

FACTS

11. Acceptance admits, upon information and belief, the existence of contracts between Pass Marianne, LLC and Woodward, and subcontracts between Woodward and DCM Construction, LLC, the terms, conditions and defenses of which are best evidenced by the written instruments themselves. Acceptance denies the remaining allegations of Paragraph 11 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

12. Acceptance admits it issued to DCM Construction, LLC Policy Nos. CL00009404 and CL00021334 (the "referenced policies"). The terms, conditions, exclusions and defenses of the Acceptance policies are best evidenced by the written instruments themselves. Accordingly, and in an abundance of caution, Acceptance denies the remaining allegations of Paragraph 12 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

13. Acceptance admits it issued the referenced policies to DCM Construction, LLC. The terms, conditions, exclusions and defenses of the Acceptance policies are best evidenced by the written instruments themselves. Accordingly, and in an abundance of caution, Acceptance denies the remaining allegations of Paragraph 13 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

14. Acceptance admits, upon information and belief, that Pass Marianne asserted a crossclaim against Woodward in Cause No. A2401-008-475, pending in the Harrison County, Mississippi, Circuit Court. The best evidence of the allegations raised in Pass Marianne's

crossclaim is the crossclaim itself. Accordingly, and in an abundance of caution, Acceptance denies the remaining allegations of Paragraph 14 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

15. Acceptance admits, upon information and belief, that the Harrison County Circuit Court stayed and referred Pass Marianne's claim to arbitration. The remaining allegations of Paragraph 15 are denied due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

16. Acceptance admits, upon information and belief, that Pass Marianne filed an answering statement and counterclaim against Woodward in the arbitration proceeding. The best evidence of the answering statement and counterclaim is the pleading itself. Accordingly, and in an abundance of caution, the remaining allegations of Paragraph 16 are denied due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

17. The best evidence of the terms, conditions, exclusions and defenses of the referenced policies is the policies themselves. Accordingly, and in an abundance of caution, the allegations of Paragraph 17 are denied due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

18. Acceptance denies the allegations of Paragraph 18 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

CLAIMS FOR RELIEF

BREACH OF CONTRACT

19. In response to Paragraph 19, Acceptance realleges and reasserts its responses to Paragraphs 1 through 18 of the Complaint.

20. Paragraph 20 consists solely of legal conclusions rather than factual allegations and therefore requires no response on the part of the Defendant; however, should the Court

require a response or construe the lack thereof as an admission of any liability whatsoever in the premises, Acceptance denies the allegations and vague legal conclusions of Paragraph 20 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

21. Paragraph 21 consists solely of legal conclusions rather than factual allegations and therefore requires no response on the part of the Defendant; however, should the Court require a response or construe the lack thereof as an admission of any liability whatsoever in the premises, Acceptance denies the allegations and vague legal conclusions of Paragraph 21 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

22. Acceptance denies the allegations and vague legal conclusions of Paragraph 22.

23. Acceptance denies the allegations and vague legal conclusions of Paragraph 23.

24. Acceptance denies the allegations and vague legal conclusions of Paragraph 24.

SUBROGATION

25. In response to Paragraph 25, Acceptance realleges and reasserts its responses to Paragraphs 1 through 24 of the Complaint.

26. The best evidence of the terms, conditions, exclusions and defenses of the referenced policies is the policies themselves. Accordingly, and in an abundance of caution, the allegations and vague legal conclusions of Paragraph 26 are denied due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

27. Acceptance denies it has failed any obligation under the referenced policies issued to DCM Construction, and otherwise denies the allegations of Paragraph 27 due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

28. The allegations and vague legal conclusions of Paragraph 28 are denied.

DECLARATION OF COVERAGE

29. In response to Paragraph 29, Acceptance realleges and reasserts its responses to Paragraphs 1 through 28 of the Complaint.

30. The best evidence of the terms, conditions, exclusions and defenses of the referenced policies is the policies themselves. Accordingly, and in an abundance of caution, the allegations and vague legal conclusions of Paragraph 30 are denied due to a lack of information or knowledge sufficient to justify a belief in the truth thereof.

DEMAND

Acceptance denies the unnumbered paragraph beginning "ACCORDINGLY, the plaintiffs demand . . .," and would require strict proof thereof.

And now, having responded to the allegations of the Complaint, paragraph by paragraph, Acceptance hereby raises and preserves its additional affirmative defenses as follows:

FIRST AFFIRMATIVE DEFENSE

Defendant hereby relies upon and asserts all terms, conditions, defenses, limitations, exclusions, endorsements and provisions of the referenced policies in defense of this litigation.

SECOND AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that Plaintiffs are not entitled to recovery under the referenced policies as alleged in their Complaint because the alleged loss occurred outside the policy period of the referenced policies.

THIRD AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that Plaintiffs are not entitled to recovery under the referenced policies as alleged in their Complaint because the coverage afforded under said policies inuring to Plaintiffs benefit, if any, is subject to limitations for liability of work or ongoing operations of DCM Construction.

FOURTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that Plaintiffs are not entitled to recovery under the referenced policies as alleged in their Complaint pursuant to the policy provisions regarding insured's duties after a loss.

FIFTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that Plaintiffs are not entitled to recovery under the referenced policies as alleged in their Complaint for lack of "property damage" or an "occurrence" during the policy periods of the referenced policies.

SIXTH AFFIRMATIVE DEFENSE

The facts having yet to be fully developed, Defendant affirmatively asserts that Plaintiffs are not entitled to recovery under the referenced policies as alleged in their Complaint pursuant to exclusions for expected or intended injury/damage.

SEVENTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that some or all of Plaintiffs' claims for coverage in the subject matter are barred under the referenced policies as there has been no covered cause of loss, or, alternatively, coverage for such loss is specifically excluded.

EIGHTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that the Plaintiffs lack legal and/or contractual standing to pursue recovery for some, or all, of the claims alleged in the Complaint.

NINTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts the defense of contributory and/or comparative negligence.

TENTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts the defense of assumption of risk.

ELEVENTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that some or all of the damages alleged in Plaintiffs' Complaint were not reasonably foreseeable by Defendant.

TWELFTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts the defense of independent, superseding or intervening cause(s).

THIRTEENTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that any injuries and/or damages claimed by Plaintiffs in this litigation, in whole or in part, were caused or contributed to by the negligent and/or wrongful acts or omissions of third persons and/or entities for whom this Defendant is not responsible.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts all defenses and limitations afforded by Mississippi Code Annotated Section 85-5-7.

FIFTEENTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that it committed no negligent or wrongful acts or omissions which proximately caused or contributed to Plaintiffs sustaining any damages whatsoever, and that, at all times, they acted in a good faith and reasonable manner.

SIXTEENTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts the defense of clerical error or simple mistake, and asserts that Defendant may not be held liable for the damages claimed by Plaintiffs in this lawsuit.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claim is barred by the applicable statute of limitations, and the doctrines of waiver, estoppel, voluntary payment, accord and satisfaction, ratification, consent, settlement and release, merger, novation, acquiescence, discharge and/or laches.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claim fails to join a necessary or real party in interest under Rule 17 and/or Rule 19, and/or has failed to obtain ratification from them.

NINETEENTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts all available defenses, limitations, and conditions afforded by the Mississippi Tort Reform statutory enactments of 2003 and 2004, as amended.

TWENTIETH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts all defenses, limitations and conditions precedent referenced by Federal Rules of Civil Procedure 8(c), 9(a), 9(b), 9(c), and 9(g).

TWENTY-FIRST AFFIRMATIVE DEFENSE²⁸

Defendant affirmatively asserts failure to mitigate damages.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Defendant affirmatively asserts the right to set-off and/or credit and/or that Plaintiffs have recovered fully for the value of any loss.

TWENTY-THIRD AFFIRMATIVE DEFENSE³⁰

Defendant affirmatively asserts that Plaintiffs seek a betterment or unjust enrichment or windfall recovery, and such claims are barred as a matter of law.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that it has not breached the subject insurance contract.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts that Plaintiffs have suffered no harm, injuries or damages for which recovery may be obtained from Defendant.

TWENTY-SIXTH AFFIRMATIVE DEFENSE³³

Defendant invokes all common law privileges to which they may be entitled.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE³⁴

Defendant affirmatively asserts that Plaintiffs' claims are barred on the basis of "unclean hands."

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts and pleads the applicable provisions, defenses and limitations afforded by Mississippi Code Annotated Section 11-1-65 (punitive damages).

TWENTY-NINTH AFFIRMATIVE DEFENSE

Defendant avers that any award of punitive damages to the Plaintiffs in this case would be in violation of the constitutional rights and safeguards provided to this Defendant under the Constitution of the State of Mississippi and the Constitution of the United States of America including, without limitation, that there are no constraining limitations placed on a jury's discretion in considering the imposition or amount of punitive damages, there are no meaningful trial court and appellate review mechanisms to constitutionally confirm any punitive damage award, and imposition would allow a verdict tainted by passion and prejudice.

THIRTIETH AFFIRMATIVE DEFENSE

Imposition of punitive damages in this case would constitute a violation of this Defendant's constitutional rights under the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and by Article 1, §§ 1, 6 and 22, and Article 3, §§ 14, 16, 22, 26, 28 and 31 of the Mississippi Constitution.

THIRTY-FIRST AFFIRMATIVE DEFENSE

Any award of punitive damages in this case would violate the constitutional rights and safeguards provided to this Defendant under the Due Process Clause of the Fourteenth amendment and/or Fifth Amendment to the Constitution of the United States of American and/or under the Due Process Clause of Article III, Section 14 of the Constitution of the State of Mississippi in that punitive damages and any method by which they might be assessed are

unconstitutionally vague and not rationally related to legitimate government issues. If consideration of punitive damages is to be allowed, then the standard for proving the same, as provided by Mississippi Code Annotated Section 11-1-63, must be by clear and convincing evidence.

THIRTY-SECOND AFFIRMATIVE DEFENSE

The procedure and/or standards governing imposition of punitive damages are impermissible, vague, arbitrary, improper and/or violate the Due Process Clause of the Fourteenth Amendment and/or the Fifth Amendment of the Constitution of the United States and/or Article III, Section 14 of the Constitution of the State of Mississippi.

THIRTY-THIRD AFFIRMATIVE DEFENSE

Any award of punitive damages in this case would violate the procedural and/or substantive safeguards provided to this Defendant under the Fifth, Sixth, Eighth and/or Fourteenth Amendments to the Constitution of the United States and/or Under Article III, Sections 14 and 26 of the Constitution of the State of Mississippi, in that punitive damages are penal in nature and, consequently, this Defendant is entitled to the same procedural and substantive safeguards afforded to criminal defendants.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

It violates the rights and safeguards guaranteed by the Constitution of the United States of America and/or the Constitution of the State of Mississippi to impose punitive damages against this Defendant which are penal in nature by requiring a burden of proof on the Plaintiffs which is less than the "beyond a reasonable doubt" burden of proof required in criminal cases in this state, and less than a unanimous jury verdict.

THIRTY-FIFTH AFFIRMATIVE DEFENSE

This Defendant avers that any award of punitive damages to the Plaintiffs in this case will violate the Eighth Amendment of the Constitution of the United States and/or Article III, Section 28 of the Constitution of the State of Mississippi in that said punitive damages would be an imposition of an excessive fine.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

The imposition of punitive damages in this case measured by wealth of this Defendant would constitute an impermissible punishment of status.

THIRTY-SEVENTH AFFIRMATIVE DEFENSE

It would be unconstitutional to award any punitive damages as such would violate the Fifth and Fourteenth Amendments to the United States Constitution and Article III, Section 14 of the Mississippi State Constitution in that:

Said damages are intended to punish and deter this Defendant and thus this proceeding is essentially criminal in nature;

This Defendant is being compelled to be witnesses against itself in a proceeding essentially and effectively criminal in nature, in violation of their right to due process;

The Plaintiffs' burden of proof to establish punitive damages in this proceeding, effectively criminal in nature, is less than the burden of proof required in other criminal proceedings, and thus violates this Defendant's right to due process; and

That inasmuch as this proceeding is essentially and effectively criminal in nature, this Defendant is being denied the requirement of notice of the elements of the offense, and the law and authorities authorizing punitive damages are so vague and ambiguous they are in violation of the Due Process Clause of the Fifth Amendment and/or the Fourteenth Amendment of the United States Constitution and also in violation of Article III, Section 14 of the Constitution of the State of Mississippi.

THIRTY-EIGHTH AFFIRMATIVE DEFENSE

The awarding of disproportionate judgments against defendants who commit similar offenses resulting in similar injury, who differ only in material wealth, constitutes an arbitrary and invidious discrimination prohibited by the equal protection clauses and rights of this Defendant under the Fourteenth Amendment to the Constitution of the United States.

THIRTY-NINTH AFFIRMATIVE DEFENSE

Defendant affirmatively asserts all defenses and limitations afforded by *State Farm Mut. Auto Ins. Co. v. Campbell*, 123 S.Ct. 1513 (2003).

FORTIETH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred and/or premature to the extent they failed to comply with all terms and conditions of the insurance policy at issue.

FORTY-FIRST AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the principle of detrimental reliance.

FORTY-SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because they lack an insurable interest in the subject property.

FORTY-THIRD AFFIRMATIVE DEFENSE

Plaintiffs fail to plead items of special damages, if any, with sufficient particularity.

FORTY-FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by a failure of consideration.

FORTY-FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by res judicata and/or collateral estoppel.

FORTY-SIXTH AFFIRMATIVE DEFENSE

At all times relevant to this Complaint, Defendant acted with good faith and fair dealing toward Plaintiffs and, at all times, had an arguable basis in fact and law for its actions. Thus, no factual or legal basis exists for any award of extra-contractual damages or punitive damages.

FORTY-SEVENTH AFFIRMATIVE DEFENSE

Pursuant to the "Other Insurance" and subrogation provisions of the referenced policies and the principles of indemnity barring double recovery, Acceptance asserts all rights it may have to credit, setoff, allowance or reduction as a result of any other insurance policy benefits paid to or on behalf of Plaintiffs.

FORTY-EIGHTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs have accepted payment from any other source for the loss or damage at issue in this lawsuit, Plaintiff's claims are barred, in whole or in part, by accord and satisfaction, payment, release and waiver.

FORTY-NINTH AFFIRMATIVE DEFENSE

Defendant denies each and every allegation of the Plaintiffs' Complaint not specifically admitted, regardless of the paragraph number or letter or lack thereof.

FIFTIETH AFFIRMATIVE DEFENSE

Defendant gives notice that it intends to rely upon such other affirmative defenses and/or claims as may become available or apparent during the discovery phase of this civil action and reserves the right to amend its answer to assert any such defense and/or claim.

FIFTY-FIRST AFFIRMATIVE DEFENSE

Acceptance adopts by reference all affirmative defenses asserted by any other party herein.

WHEREFORE, PREMISES CONSIDERED, having fully answered the Complaint and having asserted its defenses thereto, Defendant, Acceptance Indemnity Insurance Company,

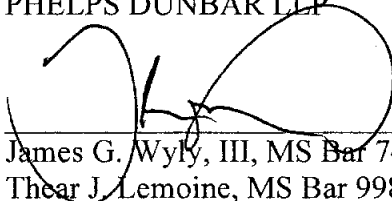
prays that this its Rule 12 Defenses and Answer to Complaint be deemed good and sufficient and that after due proceeding be had, there be judgment herein in favor of Defendant and against Plaintiffs, rejecting Plaintiffs' demands and dismissing Plaintiffs' Complaint with prejudice, assessing Plaintiffs all costs.

Respectfully submitted, this 23rd day of November, 2009.

ACCEPTANCE INDEMNITY INSURANCE
COMPANY

PHELPS DUNBAR LLP

BY:



James G. Wyly, III, MS Bar 7415
Thear J. Lemoine, MS Bar 99894
PHELPS DUNBAR LLP
NorthCourt One • Suite 300
2304 19th Street
Gulfport, Mississippi 39501
Telephone: (228) 679-1130
Telecopier: (228) 679-1131
Email: wylyj@phelps.com
lemoinet@phelps.com

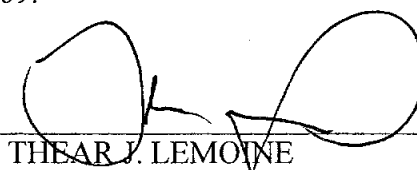
CERTIFICATE OF SERVICE

I, Thear J. Lemoine, the undersigned attorney, do hereby certify that I have delivered this date by U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing **Rule 12**

Defenses and Answer to Complaint to:

Samuel C. Kelly, Esq.
Brian C. Kimball, Esq.
Brunini Grantham, Grower & Hewes, PLLC
Post Office Box 119
Jackson, MS 39205

This, the 23rd day of November, 2009.



THEAR J. LEMOINE

PHELPS DUNBAR_{LLP}
COUNSELORS AT LAW

New Orleans, LA
Baton Rouge, LA
Houston, TX
London, England

NorthCourt One • Suite 300
2304 19th Street
Gulfport, Mississippi 39501
(228) 679-1130
Fax (228) 679-1131

www.phelpsdunbar.com

Jackson, MS
Tupelo, MS
Gulfport, MS
Tampa, FL

THEAR J. LEMOINE
Gulfport Office
Admitted in Louisiana
and Mississippi
(228) 679-1117
lemoine@phelps.com

November 23, 2009

19997-36

FILED
NOV 24 2009
GAYLE PARKER, CIRCUIT CLERK
By _____ DC

Mrs. Gayle Parker
Circuit Court Clerk
Post Office Box 998
Gulfport, MS 39502

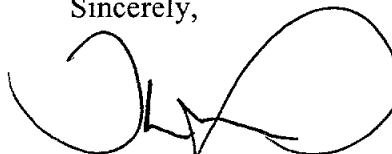
Re: Carl E. Woodward, LLC and The Gray Insurance Company v. The Travelers Indemnity Company of Connecticut, The Travelers Indemnity Company of Illinois, Travelers Property Casualty Company of America, The Travelers Indemnity Company of America, Zurich Insurance Company, First Mercury Insurance Company, Dixie Specialty Insurance Company, United Fire & Casualty Company, and Acceptance Indemnity Insurance Company
Cause No. A3402-09-343

Dear Gayle:

Enclosed please find original *Rule 12 Defenses and Separate Answer of Acceptance Indemnity Insurance Company* which I request you file in the referenced matter. Also enclosed is a copy of the first page of the Answer which I request you stamp "filed" and return to me in the enclosed self-addressed and stamped envelope.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Thear J. Lemoine

TJL/dr

Enclosures

cc: Samuel C. Kelly, Esq.
Brian C. Kimball, Esq.

AUG-28-2006 MON 10:11 AM BFA CON INS

FAX NO. 228-740068

P. 01

ACORD CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 08/28/2006
PRODUCER (228) 374-0067 Beacon Insurance Services, Inc. P.O. Drawer 1427 1009 Howard Ave. Biloxi MS 39533-		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED D C M Construction 11415 Summer Lane Biloxi MS 39532-		
INSURERS AFFORDING COVERAGE		NAIC #
INSURER A Dixie Specialty Insurance		
INSURER B		
INSURER C		
INSURER D		
INSURER E		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURANCE TYPE	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY				EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED EQUIPMENT (Per occurrence) \$ 100,000
	<input checked="" type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR	CL00009404	10/23/2005	10/23/2006	MED EXP (Any one person) \$ 5,000
					PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER				GENERAL AGGREGATE \$ 1,000,000
	POLICY <input type="checkbox"/> PRO <input type="checkbox"/> LOC				PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Per accident) \$
	ANY AUTO				BODILY INJURY (Per person) \$
	ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	SCHEMATED AUTOS				PROPERTY DAMAGE (Per accident) \$
	HIREN AUTOS				
	NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	ANY AUTO				OTHER THAN EA ACC \$
	EXCESS/UMBRELLA LIABILITY				AUTO ONLY AGG \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				EACH OCCURRENCE \$
					AGGREGATE \$
	DEDUCTIBLE				\$
	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY				WC STATUTORY LIMITS TO EMP \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED?				E.L. EACH ACCIDENT \$
	If yes, describe below				E.L. DISEASE - EA EMPLOYEE \$
	SPECIAL PROVISIONS below				E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

CERTIFICATE HOLDER

(228) 896-9755 (228) 896-9703
 ATTN: DONNA

 Carl F. Woodward, LLC
 9230 OLD LOURRAINE ROAD
 STE A
 BILOXI MS 39503-

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2004/08)

INS 025 (01/01) 05

EXHIBIT

tabbies

B

ELECTRONIC LAST R FOR 123, INC - (800) 927-0545

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Page 1 of 2

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CARL E. WOODWARD, LLC AND THE
GRAY INSURANCE COMPANY

PLAINTIFFS

VS.

CIVIL ACTION NO.: _____

THE TRAVELERS INDEMNITY
COMPANY OF CONNECTICUT, THE
TRAVELERS INDEMNITY COMPANY
OF ILLINOIS, TRAVELERS PROPERTY
CASUALTY COMPANY OF AMERICA,
THE TRAVELERS INDEMNITY
COMPANY OF AMERICA, ZURICH
INSURANCE COMPANY, FIRST
MERCURY INSURANCE COMPANY,
DIXIE SPECIALTY INSURANCE
COMPANY, UNITED FIRE &
CASUALTY COMPANY, AND
ACCEPTANCE INDEMNITY
INSURANCE COMPANY

DEFENDANTS

AFFIDAVIT OF DAVID PHILLIPS

STATE OF MISSISSIPPI
COUNTY OF HINDS

Affiant, David Phillips, having been first duly sworn upon oath, testifies as follows:

1. I am an adult resident citizen of the State of Mississippi and am above 21 years of age. I am fully competent to testify as to matters set forth herein, and do so based on my personal knowledge.
2. I am the President of Dixie Specialty Insurance Company ("Dixie"), which is a named Defendant in this lawsuit.
3. Dixie is not an insurer; rather, Dixie serves as a general agent for several insurers in the State of Mississippi.
4. I have reviewed all pertinent records and files of Dixie respecting this lawsuit and the allegations of the Complaint.
5. After reviewing said documents and files, I have been unable to locate any insurance policy under which Dixie provided coverage to DCM Construction L.L.C. and/or Woodward as alleged in the Complaint. It my belief no such policy exists.

6. I have reviewed a document entitled, "Certificate of Liability Insurance," which lists "Dixie Specialty Insurance" as an "insurer affording coverage" to DCM Construction (Woodward is listed as an additional insured).

7. The Certificate of Liability Insurance also provides that it "confers no rights upon the certificate holder."

8. Upon my information and belief, the Certificate of Liability Insurance erroneously identifies Dixie as an insurer.

9. Dixie is not an insurer under any policy issued to DCM Construction and/or Woodward corresponding with the policy number and policy period listed on the referenced Certificate of Liability Insurance.

FURTHER AFFIANT SAYETH NOT.

DATED this 30th day of November, 2009.



David Phillips

STATE OF MISSISSIPPI
COUNTY OF HINDS

On the 30th day of November, 2009, David Phillips, personally appeared before
me Barbara L. Hunter, the signer of the foregoing instrument, who duly acknowledged to me
that he executed the same.



NOTARY PUBLIC

MY COMMISSION EXPIRES: October 9, 2012